

HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15833 of 2017 and
W.M.P.Nos.17142 & 17143 of 2017

O.P.Sakkarai

..petitioner

Vs.

1. The Deputy Registrar of
Cooperative Societies,
Krishnagiri.
2. The Vice President,
DD-100, Kondamandapatti Primary
Agricultural Cooperative Credit Society,
Kodamandapatti,
Pochampalli Taluk,
Krishnagiri District.
- 3.Thiru.R.Damodaran

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned resolution dated 17.04.2017 passed by the 2nd respondent and the consequential notice issued by the 1st respondent in his Na.Ka.No.1555/2012/Koo.The dated 05.05.2017 and 22.05.2017 and quash the same.

For Petitioner : Mr.R.Thamaraiselvan

For R1 and R2 : Mr.V.Selvaraj,
Additional Government Pleader,

For R3 : Mr.K.Rajendran

ORDER

The petitioner has filed the writ petition challenging the resolution dated 17.04.2017 passed by the second respondent and the consequential notice dated 05.05.2017 and 22.05.2017 issued by the first respondent.

By consent of both the parties, the matter is taken up for final disposal at the admission stage itself.

2. According to the petitioner, the petitioner is the President of the second respondent Society. The third respondent herein / the Vice President of the second respondent Society, having a grouse against the petitioner, along with seven other members of the Board of Directors convened a meeting of the Board on 17.04.2017 without the knowledge of the President / the petitioner and resolved to move a No confidence motion against the petitioner and elect the third respondent / the Vice President as the President of the Board of the Society. Based on such resolution, the first respondent herein by notice Na.Ka.No.1555/2012/Koo dated 05.05.2017 called upon the president to show cause as to why he should not be removed from the Office of the President of the Society. By letter dated 15.05.2017, the petitioner requested the first respondent to furnish a copy of the report of the Field Officer / Sub Registrar, Mathur dated 27.04.2017 and the resolution dated 17.04.2017 which had been referred in the notice, so as to submit his reply. But the same was not furnished to the petitioner. Further, based on the resolution dated 17.04.2017 passed by the second respondent, the first respondent issued a notice in Na.Ka.No.1555/2012/Koo. The dated 22.05.2017 informing that a special meeting would be convened on 30.05.2017 to decide No confidence motion against the President / petitioner. But, the same has been adjourned by the first respondent due to administrative reasons. Hence, the petitioner has filed the present Writ petition before this Court.

3. According to the learned counsel for the petitioner, only the Registrar or an Officer authorised by the Registrar can convene a special meeting under Rule 62 of the Tamil Nadu Cooperative Societies Rules, 1988. But, the impugned resolution dated 17.04.2017 has been passed by the second respondent.

4. The Additional Government Pleader would submit that pursuant to the proceedings dated 29.05.2017 passed by the first respondent, the Vice president of the society has taken charge as 'in-charge' of the Society. At this stage, the Vice president of the society continues as the President of the society by letter dated 29.05.2017. If the petitioner is aggrieved by the said resolution, the petitioner has an efficacious alternative remedy to file a revision under Section 153 of the Tamil Nadu Cooperative Societies Rules, 1988. Therefore, the writ petition filed by the petitioner is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

6. As rightly pointed out by the learned Additional Government Pleader, in the letter dated 29.05.2017, it has been stated that the Vice president has taken charge as 'in-charge of the Society. Hence, at this stage, the writ petition is not maintainable. However, the petitioner has an efficacious alternative remedy to file a revision before the competent authority.

7. The writ petition is disposed of, with liberty to the petitioner to file revision before the competent authority, within one week from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petitions are closed. No costs.

-s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Registrar of Cooperative Societies, Krishnagiri.
2. The Vice President, DD-100, Kondamandapatti Primary Agricultural Cooperative Credit Society, Kodamandapatti, Pochampalli Taluk, Krishnagiri District.

+1 CC to M/s. K. Rajendran, Advocate sr 44670
+1 CC to Mr.R. Thamarai Selvan , Advocate sr 44158
+1 CC to Mr.V. Selvaraj, Advocate sr 44316
+1 CC to Govt. Pleader sr 44746

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GP (CO)
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