

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5713 of 2015

and

M.P.No.1 of 2015

and

M.P.No.2 of 2015

R.Vivek Anand

.. Petitioner

Vs

1. Co.Operative Deputy Registrar,
Keelur, Nilgiris District.

2. The Vice President,
Keelur Primary Agricultural Co.Operative Society,
Keelur, The Nilgiris. .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari or any other appropriate writ, direction or order in the nature of a Writ calling for the records of the 2nd respondent and Quash the letter dated 12.02.2015 of the 2nd respondent.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.V.Selvaraj, AGP

ORDER

The prayer in the writ petition is to issue a Writ of Certiorari or any other appropriate writ, direction or order in the nature of a Writ calling for the records of the 2nd respondent and Quash the letter dated 12.02.2015 of the 2nd respondent.

2. The learned counsel for the petitioner submitted that the petitioner is challenging the letter dated 12.02.2015 passed by the second respondent. The first respondent has filed a counter

affidavit stating that the special meeting of the Board, proposed to convene the meeting on 09.02.2015, promptly caused the notice of the special meeting dated 03.02.2015 served to all the members of the Board and meeting was conducted on 09.02.2015 and all the eleven Board Members attended the meeting. Upon considering the subject of the meeting, eight of eleven board members were present and have resolved to express no confidence with the petitioner and passed the resolution to that effect and on communication of the resolution passed at the special board meeting to the petitioner, he has ceased to be the president as contemplated under Rule 62 of the TNCS Rules 1995 and not letter of removal need to be sent by the first respondent. The Vice President of the society has been given in-charge of President. He further submitted that there is an alternative remedy available to the petitioner under Section 153 of the Tamil Nadu Cooperative Societies Act 1983, without exhausting the same, the petitioner has filed the writ petition before this Court.

3. The said fact cannot be disputed by the learned counsel for the petitioner. However he seeks liberty to file a revision before the Divisional Authority under Section 153 of the Tamil Nadu Cooperative Societies Act 1983. By considering the facts and circumstances of this case and the submissions made by the counsel for the parties and without going into the merits of the case, the writ petition is not maintainable and there is an alternative remedy to file the revision before the Divisional Authority under Section 153 of the Tamil Nadu Cooperative Societies Act.

4. Since the writ petition is not maintainable, this Court dismissed the writ petition with liberty to the petitioner to file a revision petition within a period of three weeks from the date of receipt of a copy of this order. Liberty is granted. No costs. Connected miscellaneous petitions are also closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

dpq

To

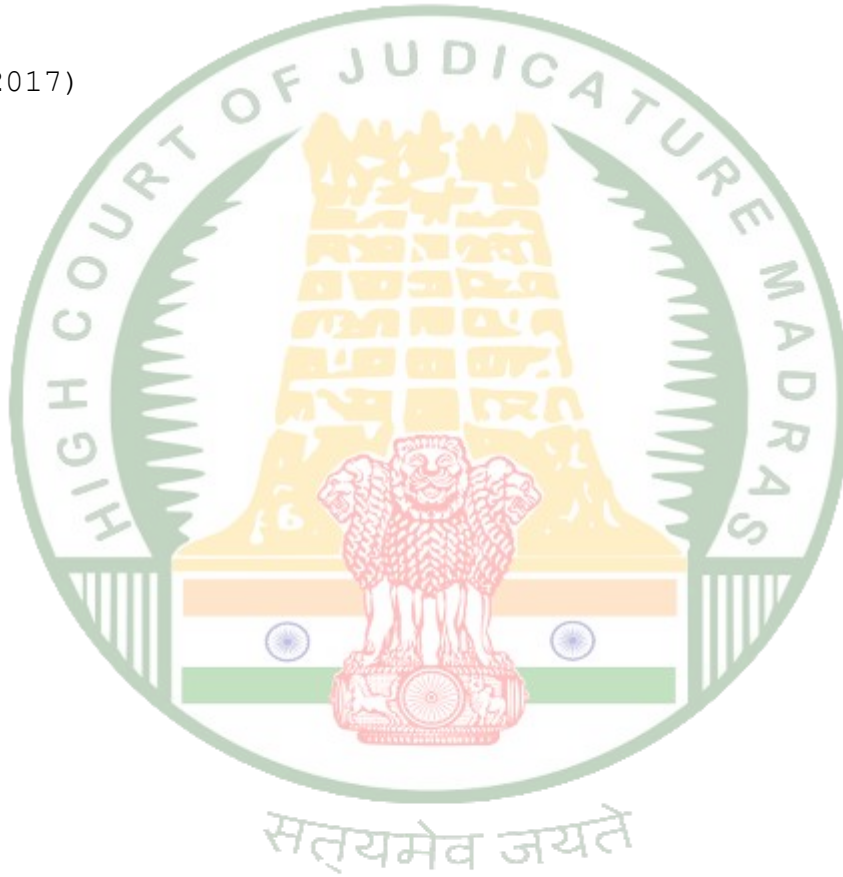
1. Co.Operative Deputy Registrar,
Keelur, Nilgiris District.

2. The Vice President,
Keelur Primary Agricultural Co.Operative Society,
Keelur, The Nilgiris.

+1cc to Mr.J.Frenklin, Advocate SR.No.16013
+1cc to Government Pleader SR.No.16029

W.P.No.5713 of 2015
and M.P.No.1 of 2015 and
M.P.No.2 of 2015

RSY(CO)
GN(21/04/2017)



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