

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.12.2017

CORAM:

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.30202 of 2016

and

M.P.No.26197 of 2016

and

WMP.No.34180 of 2016 and WMP.No.34 of 2016

K.S.Ramesh

...Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies,
Chidambaram Circle,
Cuddalore District.

2. The Co-operative Sub-Registrar/Field Officer,
O/o, Deputy Registrar of Co-operative Societies,
Chidambaram Circle,
Cuddalore District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF CERTIORARI calling for the records of the 2nd respondent in his notice dated 26.08.2016 to convene a special meeting for no confidence motion against the petitioner, and quash the same.

For petitioner : Mr.M.S.Palaniswamy

For R 1 and R 2 : Mr.L.P.Shanmugasundaram
Special Government Pleader

For Proposed : Mr.C.Prakasam
respondent/ petitioner in
WMP.Nos.34 and 34180 of 2016

ORDER

This Writ petition is filed for quashing the notice dated 26.08.2016 issued by the second respondent.

2. The brief facts of the case of the petitioner are as follows.

The petitioner was elected as President of Pitchavaram Primary Agricultural Co-operative Society Limited, Pitchavaram, Chidambaram Taluk, Cuddalore District and assumed Office on 09.05.2013. While that being the position, the first respondent served notice dated 04.08.2016, along with the requisition letters dated 30.06.2016 and 02.08.2016 submitted by eight elected members out of eleven elected members of the Society, directing the petitioner to submit his explanation on or before 22.08.2016. On receipt of such notice, the petitioner submitted his explanation on 22.08.2016. On receipt of the reply submitted by the petitioner, the first respondent vide order dated 24.08.2016 has authorised the second respondent to convene a special meeting of the Board of Directors on 01.09.2016 at 11.00 a.m. in the Office of the Society to facilitate "No Confidence Motion" against the petitioner. The second respondent by a notice dated 26.08.2016 informing the petitioner about convening of special meeting of the Board of Directors on 01.09.2016. The aforesaid notice was received by the petitioner on 29.08.2016. Under Rule 62 (3) of the Tamil Nadu Cooperative Societies Rules, 1988 a special meeting of the Board of the society for consideration of resolution expressing 'No Confidence Motion' in the office bearers should be conducted within 30 days from the date of receipt of such requisition from the elected members. But, in the present case, the date fixed by the respondents for the meeting is beyond the time prescribed under Rule 62 (3) of Tamil Nadu Co-operative Societies Rules and also there is no three clear days available between the date of receipt of notice ie., 29.08.2016 and the date fixed for special meeting ie., 01.09.2016, if both days are excluded. Hence, challenging the impugned notice dated 26.08.2016, the petitioner has filed the present Writ Petition before this court.

3. The brief facts of the case of the respondents are as follows:-

The petitioner was elected as a Director on 06.05.2013 along with 10 Directors. Among the 11 Directors, the Petitioner was elected as President of the E-2676, Pitchavaram Primary Agricultural Co-operative Credit Society, Pitchavaram. There was a conflict between the Petitioner and the rest of the Directors of the society. Hence, the 9 Directors of the society sent a requisition letter on 02.08.2016 seeking 'no confidence motion' against the petitioner. On receipt of the said requisition letter, the first respondent, on 04.08.2016, issued notice to the petitioner along with the said requisition letter seeking explanation. The petitioner, on receipt of the said letter, has given explanation on 22.08.2016 and after receipt of the same, the first respondent, vide his order dated 24.08.2016, authorised Thiru.P.Rajamanikam, Co-operative Sub-Registrar (second respondent) to conduct and preside over the

special meeting, on the basis of the requisition letter made by the Board of Directors. The second respondent issued such notice on 26.08.2016 for the meeting to be held on 01.09.2016. Hence, there are three clear days between the date of notice and the date of meeting, as laid down in Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988. Insofar as the allegation of the petitioner that the earlier requisition dated 30.06.2016 was not taken into consideration by the respondents is concerned, it is averred in the counter that the said requisition dated 30.06.2016 was submitted by third parties and no Directors were present at the time of submission of the said requisition and hence, the requisition dated 30.06.2016 was not considered by the respondents. The respondents fixed the date for convening the meeting on the basis of the representation dated 02.08.2016. Therefore, as laid down under Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988, the Registrar arranged for convening the special meeting on 01.09.2016, which is within 30 days from 02.08.2016, the date of requisition by the 9 Directors of the society. Hence, the Writ Petition is liable to be dismissed.

4. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing on behalf of the proposed third respondent/petitioner in WMP.Nos.34 and 34180 of 2016.

5. The learned counsel for the petitioner would submit that the impugned notice issued by the respondents is liable to be quashed, mainly on the ground that there is violation of Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988. According to the learned counsel for the petitioner, as per Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988, a special meeting of the Board of the society, for consideration of resolution expressing 'No Confidence Motion' in the office bearer, should be conducted within 30 days from the date of receipt of such requisition from the elected members, for which not less than three clear days' notice shall be given. According to him, three clear days means excluding both the date of receipt of notice and the date of meeting. But in this case, notice was served on the petitioner only on 29.08.2016 for the meeting to be held on 01.09.2016 and therefore, no three clear days' notice was given. Moreover, the date fixed for the special meeting is beyond the time prescribed under Rules and therefore, the impugned notice is liable to be quashed. In support of his above contention, the learned counsel for the petitioner would rely on the following decisions, apart from relying on the definition of 'days' and 'clear days' as defined in Law Lexicon:-

(i) Judgment of the Delhi High Court reported in ILR 1972 Delhi 837 (Bharat Kumar Dilwali ..Vs.. Bharat Carbon & Ribbon Mft. Ltd);

(ii) Judgment of the Allahabad High Court in the case of ''Kamal Sharma Vs. State of UP and Others'' in WRIT - C No.9763 of 2013 dated 05.10.2013;

(iii) Judgment of this Court in the case of '' R.Mallan ..vs.. The Deputy Registrar of Co-operative Societies and others'' in W.P.No.33207 of 2014 dated 14.03.2016;

(iv) Judgment of this Court reported in (2015) 2 MLJ 395 (Thanga. Kathiravan Vs. Deputy Registrar of Co-operative Societies and another);

(v) Judgment of this Court reported in 2001 (1) CTC 279 (V.Kuppanna vs. Deputy Registrar of Co-operative Societies and two others); and

(vi) Judgment of the Hon'ble Supreme Court of Appeal of South Africa in Case No.440/2000 between Nedcor Bank Limited and The Master of the High Court (Pretoria) and prays this Court to allow the writ petition.

6. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the second respondent issued the impugned notice to all the Directors on 26.08.2016 for the meeting to be held on 01.09.2016 and therefore, there are three clear days available between the date of notice and the date of meeting. Further, the date fixed for the said meeting is within 30 days from the date of requisition, as laid down in Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988. Hence, the learned Special Government Pleader prays for dismissal of the Writ Petition.

7. I have considered the submissions made by the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing on behalf of the proposed third respondent and also perused the materials available on record.

8. The main ground raised by the learned counsel for the petitioner is that there is violation of Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988 in fixing the date of convening the meeting and also in issuing the notice and hence, prays that the impugned notice may be quashed. But, according to the learned Special Government Pleader appearing for the respondents the Registrar has, within thirty days from the date of receipt of requisition from the Directors, arranged to convene a special meeting of the board of the society and issued 3 clear days notice by following the procedures contemplated under Rule 62 (3) of Tamil Nadu Co-operative Societies Rules, 1988 and therefore, the provisions under Rule 62 (3) has been complied with by the respondents, and therefore the impugned notice is in accordance with the provisions of

Tamil Nadu Co-operative Societies Rules.

9. By considering the rival submissions made and the decisions relied on by the learned counsel for the parties, the issues to be considered in this Writ Petition are:-

(1) Whether the conditions prescribed under Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988, is mandatory or directory ?;

(2) What is the meaning of a 'day' and 'clear day' ? Is there any difference in reckoning/computing a 'day' and 'clear day'?;

(3) How to reckon/compute number of days for considering "within 30 days from the date of receipt of such requisition" ?

(4) Whether the date fixed for convening a special meeting for consideration of the resolution expressing 'no confidence motion' is "within 30 days from the date of receipt of such requisition" as prescribed under Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988 ?;

(5) Whether three clear days' notice, as prescribed under Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988 for convening a special meeting, for consideration of the resolution expressing 'no confidence motion', is complied with ?; and

(6) Whether the impugned notice is in accordance with Rule 62(3) of the Tamil Nadu Co-operative Societies Rules, 1988 ?

10. Issues No. 1:

In the decision rendered by me in W.P.No.16273 of 2014 in the case of "S.Mathuram ..vs.. The Deputy Registrar of Cooperative Societies (Credit) (Full Additional Charge), Kuralagam, Chennai 600 108 and two others", this Court elaborately discussed the decisions relied on by the learned counsel for the petitioner therein (the same learned counsel is also appearing for the petitioner herein and cited the same decisions) and answered the same issue by giving a finding that the conditions prescribed under Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988 are mandatory. This issue is also answered accordingly.

11. Issue No.2

Since, the meaning of 'days' and 'clear days' is disputed by both sides, this Court deems it fit to decide the issue of meaning of 'days' and 'clear days'.

12. In the decision relied on by the learned counsel for the petitioner reported in ILR 1972 Delhi 837 (Bharat Kumar Dilwali ..Vs.. Bharat Carbon & Ribbon Mft. Ltd), it is held that the expression "not less than 21 days notice" used in Section 171 of the Companies Act, 1956 normally implies a notice of 21 whole or clear days; Part of the day, after the hour at which the notice is deemed to have been served, cannot be combined with the part of the day before the time of the meeting on the day of the meeting, to form one; The day of service of notice and the day of meeting having to be excluded while counting 21 days, if the expression "not less than 21 days notice" is prescribed.

13. In the said decision ILR 1972 Delhi 837 cited supra, the learned Division Bench of the Delhi High Court followed the decision of the Punjab and Haryana High Court in the case between M.Lall and V.Gopal Singh and others reported in MANU/PH/0105/1963, wherein the Punjab and Haryana High Court held as follows:-

"I do not think it is correct to take into account in computing days, fraction of a day. A day is a unit of time and has been treated as a standard of measurement. A day is not an aggregation of hours, minutes or seconds when it is construed as a unit of time. When law refers to days, it does not take into reckoning a further sub-division of day in hours or minutes. By a day is understood a "calendar day" or an 'entire day'. A 'day' is a space of time between two successive midnights and in computing day as a period of time, law does not take into consideration fractions of two days in order to make up one complete day.

I have not lost sight of the fact that for certain purposes a day may have other connotations. As for instance, it may signify the interval of light from sunrise to sunset in contradistinction to the period of darkness or night but this is not for purposes of computation of period of limitation. In certain statutes, the period to be reckoned is prefixed by the words 'from' and 'to'. This is not the case here. There it is usual to exclude the first and

include the last terminal day. The next significant word is 'before'. When an act is required by law--as in this case--to be done within a number of days before an event, the day on which the particular event occurs, has to be excluded.

....

Reliance was also placed on Harinder Singh v. Karnail Singh, AIR 1957 SC 271, but that decision also is distinguishable on facts and a proposition laid down therein is not the same which arises in this case. While construing R. 119 of the election rules in conjunction with section 81(1) of the representation of the people act, 1951, the Bench expressed the view that the words "not later than fourteen days" must be held to mean the same thing as "within a period of fourteen days".

.....

In the case of Suraj Bhati v. Randhir Singh, AIR 1958 Punj 483, the Division Bench was called upon to consider the meaning of section 55a(2) of the representation of the people act, which ran thus:-

"A contesting candidate may retire from the contest by a notice in the prescribed form which shall be delivered to the returning officer between the four of eleven 0' clock in the forenoon and three 0' clock in the afternoon of any day not later than ten days prior to the date or the first of the dates fixed for the poll under Clause (d) of Section 30."

It was held that the section did not talk of ten days clear notice but merely said that retirement must be not later than 10 days prior to the date of the Poll, the retirement, which was on the tenth day, was considered to be within limit."

14. Hence, in view of the above decisions, even a day is divisible into hours, minutes and seconds, this Court is also of the view that a day is a unit of time and has been treated as a standard measurement. A day is not an aggregation of hours, minutes or seconds when it is construed as a unit of time. When

law refers to days, it does not take into reckoning a further sub-division of day in hours or minutes, but a day means a "calendar day" or an 'entire day. A 'day' is a space of time between two successive midnights and in computing a day as a period of time, law does not take into consideration fractions of two days in order to make up one complete day. Hence, this Court is of the view that both the 'day' and 'clear day' refers to a 'whole/complete/entire day of 24 hours between two midnights' and not fraction of days covering 24 hours.

15. The definition for reckoning 'days' and 'clear days' as defined in Law Lexicon is as follows.

"In any case, in which any particular number of days not expressed to be clear days is prescribed by the Rules of the Supreme Court, the same shall be reckoned, exclusively on the first day and inclusively on the last day".

"In the County Court Rules, 1903, 'clear days' means that in all cases in which any particular number of days is prescribed for the doing of any act or for any other purpose, the same is to be reckoned exclusive both of the first and of the last day."

16. In the case of 'Kamal Sharma Vs. State of UP and Others' in WRIT - C No.9763 of 2013 dated 05.10.2013, the Hon'ble Allahabad High Court has held that both days, namely initial day and last day are excluded for reckoning the clear 15 days notice as per Section 87-A (3) of the U.P Municipalities Act, 1916.

17. Section 10 of the General Clauses Act, is as follows:

"Where by any Central Act or Regulation made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open."

18. The Hon'ble Supreme Court of Appeal of South Africa, in Case No.440/2000 between Nedcor Bank Limited and The Master of the High Court (Pretoria), held that if the legislature intended that the 'clear days' method of computation be applied, it would have done so explicitly and Section 4 of the Interpretation Act

is the appropriate method of computation to be adopted. Hence, it is useful to extract Section 4 of the Interpretation Act, for better understanding:-

"4. Reckoning of number of days - When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday."

19. From the above decisions, it is clear that even though there is no difference between the 'days' and 'clear days', there is a difference in computing/reckoning 'number of days' and 'number of clear days'. For reckoning number of 'days' the same shall be reckoned 'exclusively of the first day and inclusively of the last day, unless the last day happens to fall on Sunday or any public holiday, in which case the number of days shall be reckoned "exclusively of the first day and exclusively also of every such Sunday or public holiday"'. Therefore, this Court is of the opinion that, for reckoning 'number of days', in general, first day alone has to be excluded and in case the last day happens to fall on Sunday or any public holiday, then both the first day and last day have to be excluded. Similarly, for reckoning 'number of clear days', in general, both the first day and last day have to be excluded and in case the last day happens to fall on Sunday or any public holiday, then those days have also to be excluded. Accordingly, Issue No.2 is answered.

20. Issue No. 3

In a decision reported in AIR 1957 SC 271 (Harinder Singh v. Karnail Singh), while construing R. 119 of the Election Rules in conjunction with section 81(1) of the Representation of the People Act, 1951, the Bench expressed the view that the words "not later than fourteen days" must be held to mean the same thing as "within a period of fourteen days".

21. In a decision reported in MANU/MH/0086/1944 : (1945) 47 BOMLR 181 : AIR 1945 Bom 316 (Commissioner Of Income-Tax vs Ekbal And Co.) held as follows:-

"I agree with that statement in the judgment of the Tribunal. Computation of periods of time has given rise to a great many cases, both, in this country, and in England. Time can be infinitely divided. There is no fraction of a second which is so short in duration that it cannot be divided

into something smaller. In my judgment expressions "within thirty days" and "not less than thirty days" are two quite different things. "Within thirty days" is within two points of time, one at which the period begins and the other at which it expires. On the other hand, "not less than thirty days" is outside these two points of time. There must be an interval of not less than thirty days and that means thirty days clear. See *In re Railway Sleepers Supply Company* (1885) 29 Ch. D. 204. The period must continue beyond the expiration of the stated time. Whereas "within" the stated period must mean what it says, something less than the moment of expiration."

22. The Hon'ble Apex Court has given finding regarding "not later than fourteen days" and "within a period of fourteen days" and the Bombay High Court has given finding regarding "not less than thirty days" and "within thirty days". To decide this case, there is no need to go into the aspects whether "not later than" and "not less than" mean the same thing and whether "within a period of fourteen days" and "within fourteen days" mean the same thing.

23. While searching the meaning of "within" in the dictionary, the following words exist: "in the inner part of", "inside" "not further than", "not beyond", "not over", "in less than", "not outside" etc. Hence, it is clear that the word "within" denotes "within two points of time and not beyond than that".

24. While searching the meaning of "from" the following phrases exist:- "starting from", "beginning with", "out of", "in distinction to".

25. Hence, from the meanings of word "from", it is clear that for computing number of days ie., "30 days from the date of receipt of requisition" means, the first day starts from the date of receipt of requisition. But for computing a day, the 'day' must be a 'whole/complete/entire day of 24 hours between two midnights and not fraction of days covering 24 hours alone' and therefore, the day should be reckoned 'exclusively of the first day and inclusively of the last day.' Therefore, the phrases "within 30 days from the date of receipt of requisition" refers, "there is no need for 30 clear/whole days, but it does

not exceed 30 days (before the expiration of 30th day) and the number of days should be calculated excluding the first day ie., excluding the date of receipt of requisition (since it is not a whole day)". Accordingly, this issue is answered.

26. Issue No. 4

Since the main ground raised in this Writ Petition is violation of Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988, it is useful to extract Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988, which reads as follows.

"62. Removal of an elected Office bearer

(1) An elected officer-bearer --- ---

(2) No special meeting of the board

(3) As soon as such a requisition is received, the Registrar shall communicate a copy of the requisition to the office-bearer concerned, calling upon him to make his representations, if any, within such time as may be specified by him. The Registrar shall, within thirty days from the date of receipt of such requisition arrange to convene a special meeting of the board of the society, for consideration of the resolution expressing no confidence in the officer-bearer for which not less than three clear days' notice shall be given. A copy of gist of the requisition and of the representation, if any, received from the office-bearer concerned shall also be sent to the members along with the notice for the special meeting of the board ".

The aforesaid Rule mandates that as soon as a requisition is received, the Registrar shall communicate a copy of the requisition to the office-bearer concerned, calling upon him to make his representations, if any, within such time as may be specified by him. It is also mandatory that the Registrar shall, within thirty days from the date of receipt of such requisition arrange to convene a special meeting of the Board of the society, for consideration of the resolution expressing no confidence in the officer-bearer. The Rule further mandates that not less than three clear days' notice shall be given, to convene a special meeting of the Board.

27. Insofar as the arrangement of convening a special meeting within 30 days time is concerned, according to the learned Special Government Pleader, the nine Directors sent a

letter to the first respondent on 02.08.2016 and the officer authorised by the first respondent issued notice on 26.08.2016 to all the members of the Board informing the special meeting to be convened on 01.09.2016, ie., within 30 days from the date of receipt of such request. But according to the learned counsel for the petitioner the earlier requisition dated 30.06.2016 was not taken into consideration by the respondents and if the same was considered, the date fixed for convening the special meeting ie., 01.09.2016 is not within the period of 30 days as stipulated under Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988. In response to the same, the learned Special Government Pleader would submit that the said requisition dated 30.06.2016 was submitted by third parties and not by the elected members and no Directors were present at the time of submission of the said requisition and therefore, the requisition dated 30.06.2016 was not considered by the respondents. Perusal of the records would show that the petitioner has not produced any material before this court contradicting the aforesaid submissions made by the respondents. The learned Special Government Pleader would further submit that since the requisition dated 02.08.2016 was sent by nine Directors, the same was considered for fixing the date for convening the special meeting ie., 01.09.2016, which is within the period of 30 days from the date of receipt of such requisition, as stipulated under Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988. But the learned counsel for the petitioner would submit that the date for convening the meeting is not within 30 days from the date of receipt of requisition, if both the days (date of receipt and date fixed for meeting) are excluded.

28. As discussed earlier, for computing "within 30 days from the date of receipt of requisition", there is no need for 30 clear/whole days, it may be before the expiration of 30th day and the number of days should be calculated excluding the first day ie., excluding the date of receipt of requisition. Hence, in this case, if the date of receipt of requisition (02.08.2016) is excluded, then the 30th day falls on 01.09.2016 at zero hours i.e., the 30th day starts after the expiration of 31.08.2016 and ends on 01.09.2016 midnight. Therefore, the date fixed for convening the meeting (01.09.2016) is within a period of 30 days from the date of receipt of requisition (02.08.2016), as contemplated under Rule 62 (3) of the Tamil Nadu Co-operative Societies Rules, 1988. Accordingly, this issue is answered in favour of the respondents.

29. Issue No.5

The next mandate prescribed under Rule 62(3) of the Tamil Nadu Co-operative Societies Rules, 1988 is 'not less than 3 clear days notice shall be given to the members'. Insofar as this condition is concerned, according to the petitioner, the notice for the special meeting to be held on 01.09.2016 was issued by the second respondent on 26.08.2016 and the same was received by the petitioner on 29.08.2016. But according to the second respondent, as averred in the counter, he issued notice to all the Directors on 26.08.2016. Eventhough the affidavits of other Directors filed by the learned counsel for the proposed third respondent supports the aforesaid averment made by the second respondent in his counter, perusal of the typed set of papers filed by the petitioner would show that the notice dated 26.08.2016 was served on the petitioner in-person on 29.08.2016 and the same was received by the petitioner on 29.08.2016. Hence, this Court comes to the conclusion that the impugned notice was served on the petitioner only on 29.08.2016, and not on 26.08.2016, for the meeting to be held on 01.09.2016. As already decided by me in W.P.No.16273 of 2014 cited supra, 3 clear days' notice means there shall be 3 days in between the date of dispatch of notice and the date of meeting. In view of the above, in the case on hand, there are no three clear days available in between the date of service of notice i.e., 29.08.2016 and the date fixed for the meeting i.e., 01.09.2016. Therefore, the contention of the learned counsel for the respondents that there was five clear days in between the date of notice and the date of meeting cannot be accepted and therefore, this Court comes to the conclusion that the respondents have not complied with 'three clear days' notice, as per Rule 62(3) of the Tamil Nadu Co-operative Societies Rules, 1988. Accordingly, this issue is answered in favour of the petitioner.

30. Issue No.6

Issue No.5 is answered in favour of the Petitioner that the respondents have not complied with 'three clear days' notice, as mandated under Rule 62(3) of the Tamil Nadu Co-operative Societies Rules, 1988. Hence, on the said score alone, the impugned notice dated 26.08.2016 is not in accordance with Rule 62(3) of the Tamil Nadu Co-operative Societies Rules, 1988. Accordingly, Point No.6 is answered.

31. In the result, the Writ petition is allowed and the impugned notice dated 26.08.2016 is quashed only on the score that 'the clear days notice' as mandated by Rule 62(3) of the Tamil Nadu Co-operative Societies Rules, 1988, has not been complied with by the respondents. No costs. Consequently, connected Miscellaneous Petition in M.P.No.26197 of 2016 is closed. In view of the above, the impleading petition in

WMP.No.34180 of 2016 and the petition to vacate the stay filed by the proposed / impleading party in WMP No.34 of 2016 are closed, as no order is necessary in those petitions.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mra

To

1. The Deputy Registrar of Cooperative Societies,
Chidambaram Circle,
Cuddalore District.
2. The Co-operative Sub-Registrar/Field Officer,
O/o, Deputy Registrar of Co-operative Societies,
Chidambaram Circle,
Cuddalore District.

+1 cc to M/s.M.S.Palaniswamy Advocate sr 92061

W.P. No.30202 of 2016
and
M.P.No.26197 of 2016
and
WMP.No.34180 of 2016 and WMP.No.34 of 2016

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