

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE D.KRISHNAKUMAR

W.P.No.35053 of 2016

S.K.Ramachandran

... Petitioner

Vs

1.The Registrar,
Co-operative Society (Housing)
TNHB, II Floor,
493, Anna Salai, Nandanam,
Chennai - 600 035.

2.The Special Officer,
A.V.M. Co-op. Housing Society Ltd., J.J.390,
O/o. Sub Registrar Co-operative Society (Housing)
18, Ramanathan Street, T.Nagar,
Chennai - 600 017.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to dispose of petitioner's dispute raised under Section 90 of the T.N. Co-operative Societies Act dated 30.01.2014.

For Petitioner : No Appearance

For Respondents: Mr.V.Selvaraj
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition to direct the second respondent to dispose of the petitioner's dispute dated 30.01.2014 raised under Section 90 of the Tamil Nadu Co-operative Societies Act.

2. No representation for the petitioner. Heard Mr.V.Selvaraj, Additional Government Pleader for the respondents.

3. The petitioner is a member of the second respondent Society. As per bye-law of the Society, the persons who are working in A.V.M. Studio and their legal heirs are only permitted to get themselves enrolled as a member of the Society. It is submitted that for the past 12 years no elections have been conducted and no General Body Meeting was convened. To his surprise and shock, without even obtaining the consent of the present members, the second respondent issued a notification in the year 2012 for conducting elections in the said Society, and four resolutions were passed, followed by a Special Meeting and thereafter, three additional resolutions were passed.

4. It is stated in the affidavit filed in support of this Writ Petition that pursuant to the 7th resolution passed by the second respondent, 210 additional members were given membership in the said Society which is against the bye-law of the Society. Subsequently, in the month of April 2012, society election was called on and the same was objected to by the existing members of the Society. In this connection several representations were made to the second respondent. Since there was no response, the petitioner made a representation on 16.4.2013 to the first respondent to withhold the election conducted by the Special Officer. Even then nothing favoured the petitioner.

5. Thereafter the petitioner filed a writ petition before this Court in W.P.No.13958 of 2013 and the same was disposed of on 25.6.2013 with a direction to the first respondent to consider the representation of the petitioner dated 16.4.2013 within a time fixed by this Court. Since the direction of this Court was not complied with, contempt proceedings were initiated against the respondents. Thereafter, the first respondent vide communication dated 06.01.2014, intimated the petitioner to file a petition under Section 90 of the Tamil Nadu Co-operative Societies Act 1983 before the Deputy Registrar of Co-operative Societies (Housing), Chennai, and can seek remedy. Accordingly, petitioner filed a petition on 30.01.2014 under Section 90 of the Tamil Nadu Co-operative Societies Act 1983 before the said forum, with regard to election dispute in the society. Despite the representation being received and acknowledged by the first respondent, the said petition is still pending and no action progressed. Hence, the petitioner was forced to file this present writ petition to consider his claim.

6. It is submitted by the learned Additional Government Pleader that the second respondent-Society have called for enrollment of membership and conduct of the election.

7. Considering the nature of relief sought for by the petitioner without expressing any opinion on merits, the first respondent Society is directed to consider the petition dated 30.01.2014 filed by the petitioner under Section 90 of the Tamil Nadu Co-operative Societies Act 1983, on merits and in accordance with law, if the same has not already been considered by it, as expeditiously as possible within a period of four weeks from the date of receipt of a copy of this order, after providing opportunity to the parties concerned.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ds
To

- 1.The Registrar,
Co-operative Society (Housing)
TNHB, II Floor,
493, Anna Salai, Nandanam,
Chennai - 600 035.
- 2.The Special Officer, सतयमेव जयते
A.V.M. Co-op. Housing Society Ltd., J.J.390,
O/o. Sub Registrar Co-operative Society (Housing)
18, Ramanathan Street, T.Nagar,
Chennai - 600 017.

+1cc to the Government Pleader Sr.18674

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srg 04/05/2017