

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.Nos.41 and 42 of 2017
against WP.NO.39165 of 2016
&
WMP.NOs.33536 & 33537 of 2016
and C.M.P.Nos.580 and 581 of 2017

VSNL Employees Cooperative Housing Society Ltd.,
rep. By its President,
No.4 Swamy Sivananda Salai,
Chennai - 600 002.

..... Appellant in the above W.As/
2nd Respondent

-vs-

1. Komavalli
2. The Registrar of Cooperative Societies (Housing)
Tamil Nadu Housing Board Building,
Nandanam, Anna Salai, Chennai - 600 035.

..... Respondents in the above W.As/
Petitioner/1st Respondent

PRAYER:

Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.M.P.Nos.33536 and 33537 of 2016 in W.P No.39165 of 2016 dated 08.11.2016.

Writ Petitions are filed under Article 226 of the constitution of India praying that in these circumstances stated therein and in the respective affidavits filed there of the High court will be pleased to

(1) Issue a Writ of Certiorarified Mandamus Calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings VSNEHS/ 1/2015/ 2016-B6 dated 02.11.2016 and quash the same and consequently directing the respondents not to implement the resolution to be passed in the Board of Directors meeting to be held on 08.11.2016. (WP.39165 of 2016)

(ii) To grant an order of interim stay staying all further proceedings of the impugned order passed by the 2nd respondent in his proceedings VSNEHS/ 1/2015/ 2016-B6 dated 02.11.2016 (WMP.No.33537 of 2016)

(iii) To grant an order of interim injunction restraining the respondents from convening the Board of Directors Meeting for the 2nd respondent society to be held on 08.11.2016 (WMP.No.33536 of 2016)

For Appellant : Mr.Vijayan
for M/s.Karan and Uday

For Respondents: Mr.C.Prakasam - R1
Mr.L.P.Shanmugasundaram - R2

COMMON JUDGMENT

[Judgment of the Court was delivered by
K.K. SASIDHARAN, J.]

The learned single Judge, at the instance of the first respondent, passed an order in W.M.P.Nos.33536 and 33537 of 2016 in W.P No.39165 of 2016 directing the resolution passed in the meeting held on 18.11.2016 with regard to the first agenda to be kept in abeyance. Feeling aggrieved by the said interim order, the appellant has come up with the present intra Court appeals.

2. The contention of the appellant is based on the decision in K.Marappan V. Deputy Registrar of Cooperative Societies (2006) 4 CTC 689.

3. There is nothing on record to show that the issue regarding maintainability of the Writ Petition was argued before the learned single Judge.

4. We are, therefore, of the view that the issue raised by the appellant requires to be decided by the learned single Judge.

5. It is open to the appellant to take up all contentions available before the Writ Court in W.P.No.39165 of 2016.

6. The intra Court appeals are disposed of with the above observation. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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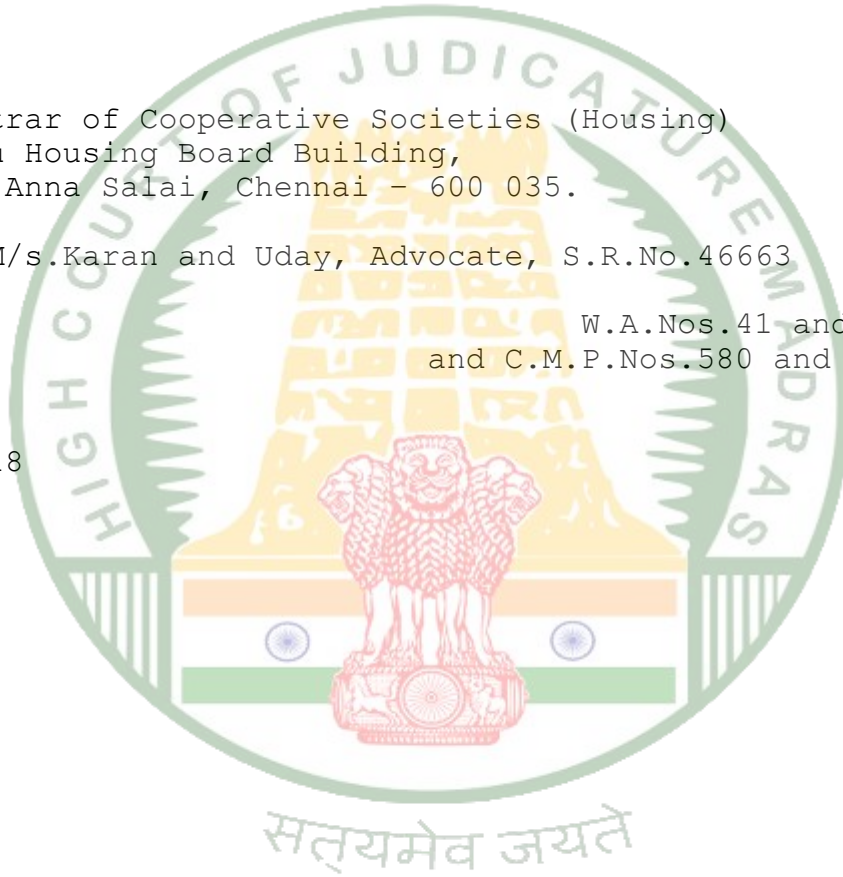
To

The Registrar of Cooperative Societies (Housing)
Tamil Nadu Housing Board Building,
Nandanam, Anna Salai, Chennai - 600 035.

+2ccs to M/s.Karan and Uday, Advocate, S.R.No.46663

W.A.Nos.41 and 42 of 2017
and C.M.P.Nos.580 and 581 of 2017

RJ(CO)
CS/26/07/18



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