

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.25360 of 2018
and
W.M.P.No.29506 of 2018

Squadron Leader C.B.Menon

... Petitioner

Vs

1. The Tamil Nadu Area Defence Officers
Co-Operative Housing Society Ltd.,
rep. by its Authorized representatives,
(Society Registration No.JJ337)
Defence Officers Colony,
Ekkathuthangal,
Chennai - 600 032
 2. Registrar of Co-operative Societies (Housing)
Chennai Region,
48, Ritherton Road, Vepery.
Purusavakkam,
Chennai - 600 010.
 3. Deputy Registrar Co-operative Societies (Housing),
Chennai Region,
18, Ramanathan Street,
Chennai - 600 017
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the first respondent from conducting the General Body Meeting, which is to be held on 29.09.2018 on or any other subsequent date pursuant to the notice dated 07.09.2018 and consequently direct the respondents 2 and 3 to dispose of the representation of the petitioner dated 16.09.2018 by taking any remedial actions against the first respondent for having committed various violations and irregularities against the interest of the society and against the by-laws, within a time frame as fixed by this court.

For Petitioner :Mr. C.Uma

For Respondent :Mr.L.P. Shanmugasundaram,
Spl. Gov. Pleader (Co-op)

O R D E R

This writ petition has been filed challenging the notice issued to the petitioner calling for the General Body Meeting of the first respondent society.

2. The grievance of the petitioner is that earlier General Body Meeting has been conducted, without following the procedure and without issuing any proper notice, and the same was also not conducted properly. In the said circumstances, the petitioner has sent representations dated 25.07.2018 and 16.09.2018 before the respondents 2 and 3. Pursuant to the earlier representations given by the petitioner, the Deputy Registrar also commenced enquiry and the enquiry is pending. In the meantime, the another General Body Meeting is to be held. Challenging the same, the present writ petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, appearing for the respondents and perused the materials available on record.

4. The impugned notice in the writ petition is only a notice calling for General Body of the Society. If the petitioner, being the member of the society, have any objection, he can appear in the General Body and raise his objections and he cannot challenge the notice calling for a General Body Meeting.

5. According to the petitioner, the earlier representation sent by the petitioner was considered, and the Deputy Registrar has already commenced enquiry and the same is pending. In the said circumstances, the third respondent, Deputy Registrar Co-operative Societies (Housing) is directed to consider the petitioner's representation and pass suitable orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

mrp

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

To

1. The Tamil Nadu Area Defence Officers
Co-Operative Housing Society Ltd.,
rep. by its Authorized representatives,
(Society Registration No.JJ337)
Defence Officers Colony,
Ekkathuthangal,
Chennai - 600 032
2. Registrar of Co-operative Societies(Housing)
Chennai Region,
48, Ritherton Road, Vepery.
Purusavakkam,
Chennai - 600 010.
3. Deputy Registrar Co-operative Societies(Housing),
Chennai Region,
18, Ramanathan Street,
Chennai - 600 017

+1cc to M/s.C.Uma, Advocate SR.No.66890

+1cc to Government Pleader SR.No.67410

sm:4.10.2018

W.P.No.25360 of 2018

and

M.P.No.29506 of 2018

सत्यमेव जयते

WEB COPY