



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.4038 of 2018andW.M.P(MD)No.4197 of 2018

T.Ramu

... Petitioner

-vs-

1.The Joint Registrar of Co-operative Societies,
O/o.The Joint Registrar of Co-operative Societies,
Thiruchirappalli.

2.The Deputy Registrar of Co-operative Societies,
O/o. The Deputy Registrar of Co-operative Societies,
Thiruchirappalli Division,
Thiruchirappalli-20.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari, calling for the records pertaining to the impugned proceedings initiated by the second respondent in his proceedings Na.Ka.No.299/2018/Sa.Pa dated 21.02.2018 and quash the same as illegal.

For Petitioner : Mr.M.Thirunavukkarasu
For Respondents : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

O R D E R

This writ petition has been filed, challenging the notice issued by the second respondent under Rule 62, of the Tamil Nadu Co-operative Societies Rule, 1988, for convening a meeting for considering the removal of the petitioner from the post of President of Thiruchirappalli District Central Co-operative Bank Limited.

2.The learned counsel appearing for the petitioner submitted that the petitioner is now functioning as President of the above said Co-operative Bank and doing extraordinary service to the society. Now, some of the elected directors turned against the petitioner, and with a mala fide intention, have given a representation before the respondents seeking his removal from the post. Earlier, a show cause notice was issued by the second respondent and challenging the same, the petitioner has filed a Writ Petition, in W.P(MD).No.1630 of 2018, before this Court and this Court, by an order dated 29.01.2018, permitted the petitioner to



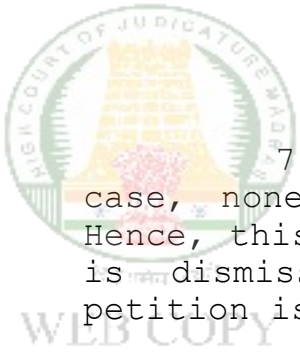
submit his explanation. Pursuant to the same, the petitioner also submitted his explanation but without considering the same, the present impugned order has been passed. The learned counsel further submitted that as per Rule 62 (3) of the Co-operative Societies Rule, 1988, there must be a three clear days notice to be given to the petitioner before convening the meeting. In the instant case, even though notice is dated 21.02.2018, for the meeting to be held on 27.02.2018, the petitioner has received the same only on 24.02.2018, which is within three clear days, and on this aspect, the notice should be necessarily set aside. Apart from that from the impugned order, it is seen that the notice has been issued only to the petitioner, not to other elected directors for convening the meeting, which is mandatory.

3.I have heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record carefully.

4.So far as the first submission of the learned counsel appearing for the petitioner is concerned, a perusal of the record, it could be seen that, the impugned notice dated 21.02.2018, was sent to the petitioner through a registered post on the very same day and from endorsement made in the envelop, the Postal Department has made an attempt to serve the notice on the petitioner on 22.02.2018, but the petitioner was not available in the residence for three days, hence, the notice was not served on him. Thereafter, on 24.02.2018, the petitioner himself went to the post office and received the letter, hence, it is clear that the notice was sent on 21.02.2018 itself, but only due to the absence of the petitioner, notice could not be served to him and the petitioner alone voluntarily went to the post office and received the letter on 24.02.2018. In the said circumstances, it is not now open to the petitioner to claim that this is no three clear days notice. In fact, there is 6 clear days available between the date of notice, and the proposed meeting.

5.So far as the next contention of the learned counsel appearing for the petitioner that the notice was not sent to other elected directors is concerned, merely because, other directors names were not found place in the impugned notice, it cannot be held that the notice was not sent to them. Apart from that it is not for the petitioner to raise such plea, and if at all the other directors have any grievance regarding the non service of notice, it is for them to raise such plea.

6.The third contention of the learned counsel appearing for the petitioner is that the objection of the petitioner was not considered. A perusal of the impugned order, it could be seen that the representation of the petitioner has been considered by the second respondent, and thereafter only, the impugned notice has been issued.



7. Considering the above facts and circumstances of the case, none of the grounds raised by the petitioner have merit. Hence, this writ petition is liable to be dismissed, accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Registrar of Co-operative Societies,
O/o. The Joint Registrar of Co-operative Societies,
Thiruchirappalli.
2. The Deputy Registrar of Co-operative Societies,
O/o. The Deputy Registrar of Co-operative Societies,
Thiruchirappalli Division,
Thiruchirappalli-20.

+1cc to M/S.M.Thirunavukkarasu, Advocate SR.No. 51204

W.P. (MD) No.4038 of 2018
26.02.2018

myr

JM/SV MMS/SAR 4/26.02.2018/3P/4C