

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No.419 of 2019
and
W.M.P.No.428 of 2019

K.Punniyakoti

... Petitioner

Versus

1. The Registrar of Co-operative Societies(Housing)
Tamilnadu Co-operative Housing Federation,
NO.48, Ritherdon Salai, Veppery,
Chennai - 600 007.
2. The President,
VSNL Employees Co-operative Housing Society Ltd.,
No.4, Swamy Sivananda Salai,
Chennai - 600 002.

3. Joseph Manoharan

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent from conducting General Body Meeting to be held on 12.01.2019 or any subsequent dates for the 2nd respondent society.

For Petitioner : Mr. C.Prakasam

For Respondents: Mr. L.P.Shanmugasundaram,
Spl. Government Pleader,
for R1.

: Mr. M.S.Pakiriswamy,
for R2

: Mr.L.Sumathi,
for Karan & Uday,
for R3

ORDER

This writ petition has been filed forbearing the second respondent from conducting a General Body Meeting to be held on 12.01.2019.

2. The grievance of the petitioner is that the third respondent, who is the President of one VSNL Employees Co-operative Housing Society, has committed some irregularities. Hence, he is not qualified to hold the post of President. Despite that, now the third respondent is elected as a President of the Society and now he is also going to conduct the General Body Meeting. Hence, the present writ petition has been filed.

3. Admittedly, the third respondent is elected as president of the society and he is holding the office, so far, no action has been taken against the third respondent either disqualifying him or removed him from the post. In the said circumstances, unless he was disqualified or removed from the post, being the elected President of the society, he is entitled to conduct the General Body Meeting of the Society as per the bye-law of the society. In such circumstances, the petitioner cannot seek an order restraining the third respondent from conducting any General Body Meeting. Hence, I find no merits in the writ petition and the same is liable to be dismissed. It is needless to say that if the petitioner has any grievance regarding the resolution to be passed in the General Body Meeting, it is always open to him to challenge the same in the manner known to law.

4. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp
To

The Registrar of Co-operative Societies(Housing)
Tamilnadu Co-operative Housing Federation,
NO.48, Ritherdon Salai, Veppery,
Chennai - 600 007.

+1cc to Mr.C.Prakasam, Advocate Sr.4256
+1cc to Mr.L.P.Shamugasundaram, Advocate sr.3647
+1cc to M/S.Karan & Uday, Advocate Sr.3380

W.P.No.419 of 2019
and

W.M.P.No.428 of 2019

sj[co]
srg 14/03/2019