

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.02.2019
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.521 of 2019
and W.M.P.No.527 of 2019

C.Anandhabaskaran

...Petitioner

Vs

The Deputy Registrar of Co-operative Societies,
Cuddalore Circle,
Cuddalore District.

...Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the impugned order passed by the respondent in his proceeding in Na.Ka.3180/2018 Sa.Pa dated 21.12.2018 to convene the special meeting for no confidence motion against the petitioner on 08.01.2019 and quash the same.

For Petitioner : Mr.Chandrakumar

For Respondent : Ms.T.Girija, Government Advocate

O R D E R

This writ petition has been filed to quash the impugned proceedings of the respondent in Na.Ka.3180/2018 Sa.Pa dated 21.12.2018 to convene the special meeting for no confidence motion against the petitioner on 08.01.2019.

2.According to the petitioner, 8 members have to give requisition for moving "No Confidence Motion" as per Rule 62(2) of the Tamil Nadu Co-operative Societies Rules, 1988, ie. 2/3rd members have to make requisition to convene a special meeting for passing a resolution expressing "No Confidence Motion" among the elected office bearers, against the petitioner. According to the petitioner, since only 7 members have made representations out of 11 members, which comes to 7.33, it has to be taken as only 7 members, since it is less than 8 and accordingly, the impugned proceedings will not survive any longer.

3.The learned counsel for the petitioner has produced a copy of the judgment of this Court in Thanga Kathiravan vs. Deputy Registrar of Co-operative Societies and another, reported in

(2015) 2 MLJ 395, in support of his contention.

4.This Court has perused the said judgment, which squarely applies to the facts of the present case. In fact, I have also followed the above said judgment while deciding the similar issue in the case of K.S.Ramesh v. The Deputy Registrar of Co-operative Societies, Chidambaram Circle, Cuddalore District and another, reported in CDJ 2018 MHC 628, on an earlier occasion. Therefore, I have no hesitation to quash the impugned order dated 21.12.2018 and accordingly the impugned order is quashed and the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

The Deputy Registrar of Co-operative Societies,
Cuddalore Circle,
Cuddalore District.

+lcc to Mr.K.Govindaraj, Advocate sr.no.11749
+lcc to Government Pleader in sr.no.12313

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nr 19/03/2019

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