

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.30911 of 2019

Sarathykumar

.. Petitioner

Vs

1. The Deputy Registrar of Cooperative Societies,
Tirupattur,
Vellore District - 635 001.
 2. Managing Director,
Vaniyampadi Town Cooperative Bank,
Vaniyampadi, Vellore District.
 3. Mr.Sadasivam,
Director,
Vaniyampadi Town Cooperative Bank,
Vaniyampadi, Vellore District.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records from the first respondent relating to the impugned order in Na.Ka.No.130/2019 Sa.Pa.(1) dated 16.10.2019 and the consequential proceedings in Na.Ka.No.130/2019 Sa.Pa.(1), dated 21.10.2019 and quash the same.

For petitioner : Mr.S.Sairaman

For R1 & R2 : Mr.L.P.Shanmugha Sundaram, Spl.GP

ORDER

The petitioner, who has been officiating as Presiding of the second respondent Society from 21.08.2018, has filed this writ petition challenging the impugned notices dated 16.10.2019 and 21.10.2019 calling for an explanation from him as to why No Confidence Motion should not be initiated against him.

2. It is submitted by the learned counsel for the petitioner that as per Rule 62(3) of the Tamil Nadu Cooperative Society Rules, 1988, as soon as any requisition is received expressing No Confidence on the President, the Registrar shall, within 30

days from the date of receipt of such requisition, arrange to convene a Special Meeting of the Board of the Society for consideration of the resolution expressing no confidence in the office bearer, for which, not less than 3 days shall be given. Besides, a copy or gist of the requisition/representation, if any, received from the office-bearer concerned shall also be sent to the members along with the notice for the Special Meeting of the Board. But, in the present case, no such copy/gist of the requisition/representation received from any of the office bearers has been given to the petitioner, therefore, he has come to this challenging the same.

3. When the matter was taken up in the morning session, Mr.L.P.Shanmugha Sundaram, learned Special Government Pleader, by accepting notice on behalf of the respondents 1 and 2, sought pass-over to get instruction and accordingly, when the matter is taken up at 2.30 p.m., after getting instruction, he has submitted that the petitioner is entitled to get a copy of the requisition/representation received from the office bearer requesting to convene No Confidence Motion. He has also handed over a copy of such requisition/representation to the learned counsel for the petitioner in the open Court.

4. Therefore, in view of the above, since the learned counsel for the petitioner has received a copy of such requisition/representation in the Court, the petitioner is given 10 days time from today to give his explanation and after receiving such explanation, the respondents are directed to take a decision in accordance with law. With this direction, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

rkm

Sub Assistant Registrar

To

1. The Deputy Registrar of Cooperative Societies,
Tirupattur, Vellore District - 635 001.
2. Managing Director,
Vaniyampadi Town Cooperative Bank,
Vaniyampadi, Vellore District.

+1 cc to Mr.S.Sairaman, Advocate, S.R.No.90640

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SVI(CO)

SSM(04/11/2019)