

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33809 of 2019
and
W.M.P.No.34320 of 2019

N.Bheeman

... Petitioner

-vs-

- 1.The Registrar of Co-operative Societies,
No.170, E.V.R.Road, Dr.Radhakrishnan Nagar,
Razaak Garden, SBI Officers Colony,
Arumbakkam, Chennai-600 106.
- 2.The Joint Registrar of Co-operative
Societies (in-charge),
New Additional Collectorate Building,
Finger Post, Ooty.
- 3.The Sub-Registrar of Co-operative Societies,
(Office of the Deputy Registrar)
New Additional Collectorate Building,
Finger Post, Ooty. ... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records on the file of the 2nd respondent in proceedings No. Na.Ka.2897/2019.sa.pa, dated 14.11.2019 seeking to convene the meeting for the purposes of moving a "No Confidence Motion" as against the petitioner is wholly biased, without jurisdiction and false.

For Petitioner : Mr.Purushothaman Arjunan

For RR1 to 3 : Mr.D.Venkatachalan,
Additional Govt. Pleader (Co-op.)

ORDER

Heard Mr.Purushothaman Arjunan, learned counsel for the petitioner and Mr.D.Venkatachalam, learned Additional Government Pleader accepting notice on behalf of the respondents.

2.The petitioner has challenged the communication dated 14.11.2019, sent by the 2nd respondent informing the petitioner that a meeting is being convened to discuss the petition given by the 14 members expressing "No Confidence Motion" against the petitioner.

3.The only ground on which the petitioner has challenged the notice is by contending that there are no specific allegations made against the petitioner. In my considered view, there will not be any necessity to adjudicate the correctness of the impugned notice because the impugned notice had worked itself out and the Committee had met and the petitioner has been removed from the office of the President of Society. Therefore, if the petitioner is aggrieved, the only remedy available to the petitioner is to file a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 (for short "the Act"). Hence, at this juncture, the impugned notice cannot be quashed. However, this will not prejudice the petitioner to challenge his removal from the office of the President of Society by filing a revision petition under Section 153 of the Act. In the event of the petitioner filing a revision petition against his removal from the office of the President of Society, the revisional authority shall consider the same as expeditiously as possible preferably within a period of two months from the date on which the revision petition is presented.

4.With the above observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

(abr)

To

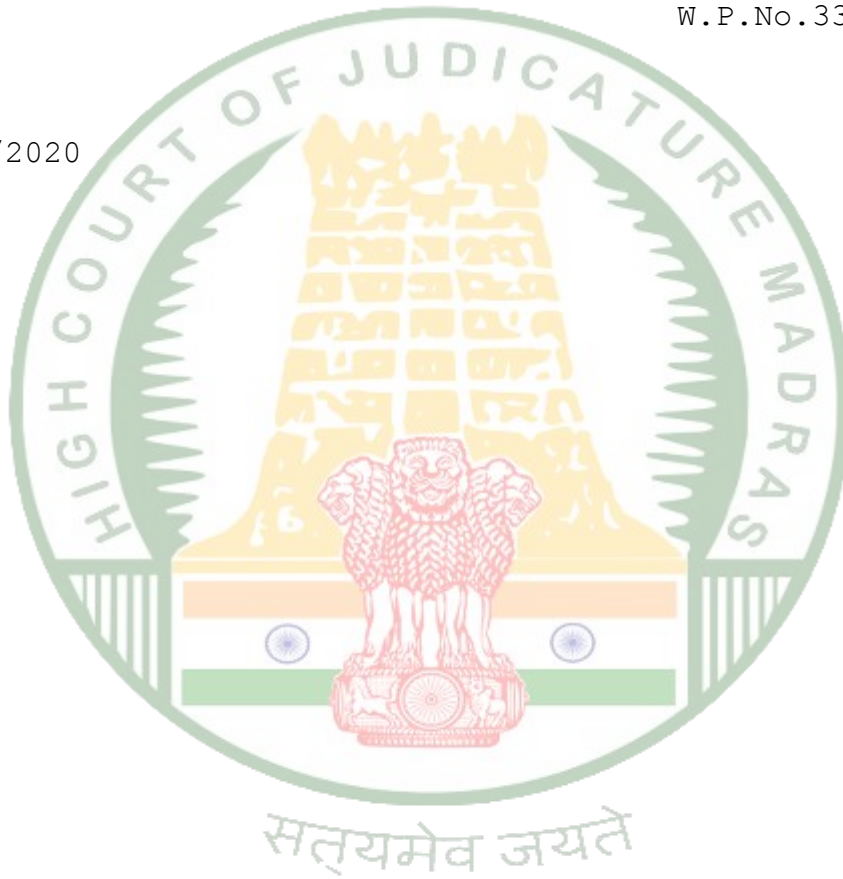
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