

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1120 of 2020  
and

W.M.P. Nos. 1347 and 1349 of 2020

M. Subramaniyan

... Petitioner

-vs-

1. The Registrar (Housing),  
No. 40, Ritherdon Road,  
Vepery,  
Chennai - 600 007.
2. The Deputy Registrar (Housing),  
No. 7, Varadhanar Street,  
Vedhachalam Nagar,  
Chengalpattu.
3. The Vice President,  
Chennai Government Officers Co-operative Building Society  
Ltd.,  
No. 372, Mudichur Road,  
West Tambaram,  
Chennai - 600 045.
4. The Secretary,  
Chennai Government Officers Co-operative Building Society  
Ltd.,  
No. 372, Mudichur Road,  
West Tambaram,  
Chennai - 600 045.
5. Radhakrishnan ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the Original Resolution Nos. 2 and 3 dated 03.12.2019 of the Third Respondent Society and quash the same.

For Petitioner : Mr. V.G. Sureshkumar for  
M/s. AL. Gandhimathi

For Respondents: Mr. L.P. Shanmugasundaram,  
1 to 4 Special Government Pleader  
(for R1 to R4)

O R D E R

Heard Mr. V.G. Sureshkumar, Learned Counsel for the Petitioner and Mr. L.P. Shanmugasundaram, Learned Special Government Pleader for Respondents and perused the materials available on record apart from the pleadings of the parties.

2. The Petitioner, who had been removed from the post of President of Chennai Government Officers Co-operative Building Society Limited has filed this Writ Petition challenging the Resolution Nos. 2 and 3 dated 03.12.2019 passed by the Board of Directors of that Co-operative Society.

3. In the counter affidavit dated 29.01.2020 filed by the Third and Fourth Respondents, it has been stated as follows:-

"4. In this context, I submit that since resolution dated 03.12.2019 was already cancelled by the Registrar of Cooperative Societies vide his order Na. Ka. No. 6632/2019/ Sapa2 dated 16.12.2019 and this was recorded by this Hon'ble Court in the order dated 17.12.2019, the Resolution No. 2 and 3 now in question had automatically become void.

5. I respectfully submit that Special Board Meeting convened by the Cooperative Sub Registrar appointed by the Registrar of Cooperative Societies, on 22.01.2020 removing the First Respondent and Writ Petitioner herein was also stayed, on 28.01.2020 in W.P. No. 1812 of 2020, in view observation by this Hon'ble Court that the provision of Rule 62 of the TNCS Rules 1988 were not followed.

6. In view of the above developments, the society will pass a fresh resolution with regard to operation of Bank accounts in order to conduct the day today affairs of the society, after getting instructions from the Registrar of Cooperative Societies and will act accordingly. The resolutions which are now under challenge in the present Writ Petition have no effect as of now and they become void."

In view of the aforesaid subsequent events, which have been placed on record by the Respondents, nothing remain for further consideration in this Writ Petition.

4. Accordingly, the Writ Petition is disposed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-  
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vjt/sj

To

1. The Registrar (Housing),  
No. 40, Ritherdon Road,  
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Chennai - 600 045.

+1cc to M/s. AL. Gandhimathi, Advocate SR.No.6950

+1cc to Mr.L.P. Shanmugasundaram, Advocate SR.No.7595

+1cc to Special Government Pleader (COOP) SR.No.7630

W.P. No. 1120 of 2020

NR (CO)  
GMY (15/06/2020)