

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9394 of 2020
& WMP. Nos.11483 & 11484 of 2020

V.Selvarasu

...Petitioner

Vs

- 1.The Registrar of Cooperative Societies,
Kilpauk, Chennai - 600 010.
- 2.The Joint Registrar of Cooperative Societies,
Peramballur Region Peramballur,
Peramballur District.
- 3.The Deputy Registrar of Cooperative Societies,
Peramballur Circle, Peramballur,
Peramballur District. ...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned notice issued by the 3rd respondent in his proceedings Na.Ka.No.1706/2020/Sa.Pa, dated Nil.07.2020 and quash the same and consequently directing the 1st respondent to appoint the enquiry officer for issuing No Confidence Notice and conduct enquiry.

For petitioner : Mr.C.Prakasam

For respondents : Mr.L.P.Shanmugasundaram

Special Government Pleader

ORDER

This petition has been filed challenging the impugned notice issued by the third respondent calling upon the petitioner to submit his reply and to proceed further with the process of removal, under Rule 62 of the Tamilnadu Co-operative Societies Rules, 1988.

2. The petitioner is elected as President of Kurumbalur Primary Agricultural Co-operative Society in the year 2018. There are totally 11 members in the Board of Directors. A requisition was made by 7 Directors, who have raised No Confidence Motion and had sought for the removal of the petitioner from the post of the President of the Society.

Pursuant to the requisition being received by the third respondent on 03.07.2020, the impugned notice was issued to the petitioner to submit his explanation.

3. The learned counsel for the petitioner submitted that the petitioner is willing to co-operate with the conduct of meeting which is seeking for the removal of the petitioner on the requisition made by the 7 members. However, the learned counsel submitted that the petitioner has already made a representation to the higher authorities against the third respondent with some serious allegations and therefore, the third respondent is bent upon somehow removing the petitioner from the post of President. The learned counsel in order to substantiate the said submission brought to the notice of this Court, the representation given by the petitioner against the third respondent on 02.07.2020. The learned counsel further submitted that on the very same allegations, writ petition was filed before this Court and the same is pending in W.P.No.29589 of 2019. Therefore, the learned counsel submitted that the third respondent should not be allowed to participate in the proceedings and while considering the reply and the subsequent conduct of meeting must be done by some other Officer other than the third respondent.

4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the proceedings will not be conducted by the third respondent and it will be assigned to some other Officer, since the petitioner has expressed his reservations against the third respondent. This submission made by the learned Additional Government Pleader is hereby recorded.

5. Rule 62 of the Co-operative Societies Rules contemplates certain time limits. The Registrar should convene the Special Meeting of the Board of the Society, for consideration of the resolution expressing No Confidence, within a period of 30 days from the date of receipt of such requisition received from not less than 2/3rd of the existing members of the Board of the Society. It is seen that the requisition was received on 03.07.2020 and therefore, the meeting will have to be conducted on or before 06.08.2020. For consideration of the resolution expressing No Confidence, the petitioner will be entitled for three clear days notice.

6. In view of the above, the second respondent shall intimate the petitioner about the particulars of the new Officer, who is going to consider the reply of the petitioner and proceed further under Rule 62 of the Co-operative Societies Rules. The petitioner shall submit his reply to the new Officer on or before 28.07.2020. Thereafter, it is left open to the concerned Registrar to proceed further by following the mandate under Rule 62 of the Co-operative Societies Rules, 1988.

7. Accordingly, this writ petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(co)

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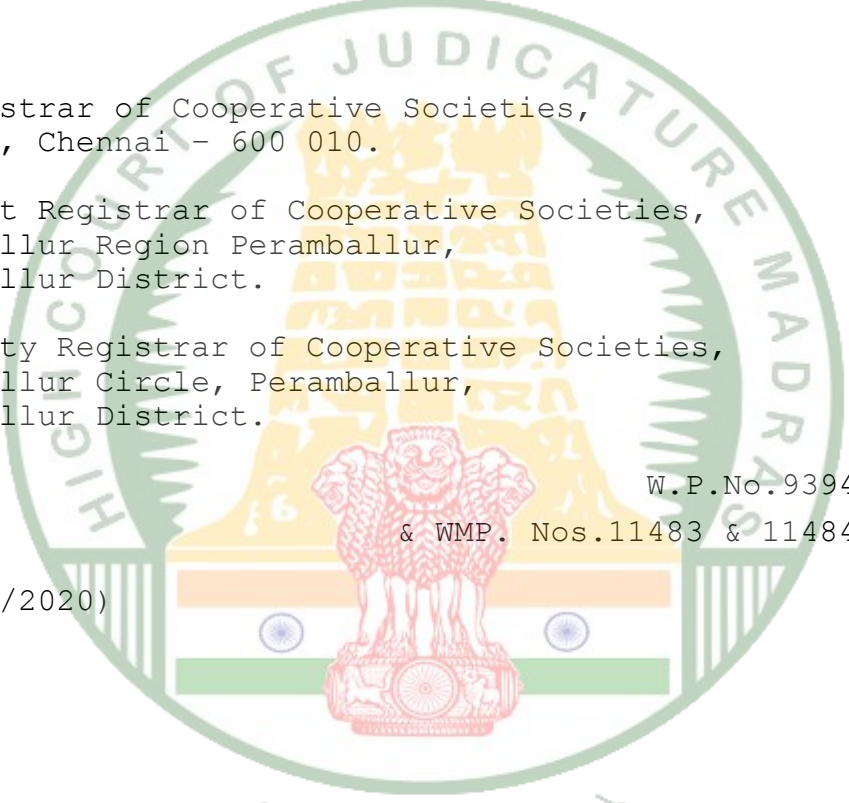
Sub Assistant Registrar

Pns
To

- 1.The Registrar of Cooperative Societies,
Kilpauk, Chennai - 600 010.
- 2.The Joint Registrar of Cooperative Societies,
Perambalur Region Perambalur,
Perambalur District.
- 3.The Deputy Registrar of Cooperative Societies,
Perambalur Circle, Perambalur,
Perambalur District.

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A.SK(28/07/2020)



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