



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.02.2020

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.39165 of 2016
WMP.Nos.33535 to 33537 of 2016
and
WMP.Nos.5857 & 5860 of 2020

S. Komalavalli

...Petitioner

-vs-

1. The Registrar of Cooperative Societies (Housing),
Tamil Nadu Housing Board Building,
Nandanam, Anna Salai,
Chennai - 600 035.

2. VSNL Employees Cooperative Housing Society Ltd.,
Represented by its President,
No.4, Swamy Sivananda Salai,
Chennai - 600 002.

...Respondents

PRAYER : Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings VSNEHS/1/2015/2016-B6, dated 02.11.2016 and quash the same and consequently directing the respondents not to implement the resolution to be passed in the Board of Directors meeting to be held on 08.11.2016.

For Petitioner : Mr.C.Prakasam

For Respondents: Ms.T.Girija
Additional Govt. Pleader [R1]

Mr.M.Sudhakaran for
for M/s. Karan & Uday [R2]

ORDER

Heard Mr.C. Prakasam, learned counsel for the petitioner, Ms.T.Girija, learned Additional Government Pleader for the 1st respondent and Mr.M.Sudhakaran for M/s. Karan and Uday, learned counsel for the 2nd respondent.



writ petition itself is taken up for final disposal.

3. This writ petition has been filed challenging the notice issued by the 2nd respondent dated 02.11.2016, which is a notice given under Article 21 of the bylaws of the Society convening a Board of Directors meeting on 08.11.2016 to consider the four subjects, which are listed out in the agenda be discussed in the meeting.

4. The learned counsel for the petitioner would submit that the 2nd respondent Society and its office bearers have committed large skill fraud and cheated the Society and sold the properties of Society on throw away prize and earned profit by illegal means. Therefore, it is submitted that thorough enquiry needs to be conducted.

5. The learned counsel appearing for the 2nd respondent would submit that the contentions raised by the petitioner are absolutely incorrect, the petitioner has been removed from the membership of the 2nd respondent Society and as on date he is not the member of the Society. Further, the petitioner's husband Mr.S.Karthikeyan, has filed several writ petitions before this Court and they have been dismissed and the learned counsel has produced the copy of the order in W.P.No.26179 of 2015 dated 21.08.2015 and W.P.No.16332 of 2016 dated 19.04.2017.

6. Further, it appears that the Department had conducted an enquiry under Section 87 of the Tamil Nadu Coperative Societies Act, 1983 and in which, the authority has held that there is no misappropriation or any illegality in the manner in which the Society was administrated. The petitioner has challenged the said order passed by the Deputy Registrar, Cooperative Society by filing W.P.No.25122 of 2017.

7. The petitioner has also challenged the removal of her name from the list of members of the 2nd respondent Society in W.P.No.7190 of 2018 and the same is pending before this Court. The learned counsel for the petitioner is permitted to move the Registry for earlier listing of the said writ petition and if a request is made to the Registrar Judicial, the same shall be considered and the matter may be listed before the appropriate Bench at the earliest.

8. Thus considering these factors, the prayer sought for in this writ petition has worked itself out, more so, because the impugned proceedings is only a notice of convening Board of Directors meeting that too on 08.11.2016, which date also expired.

9. Thus, for the above reasons the writ petition is closed. However, this will not in any manner prejudice the petitioner from putting forth his contentions in the writ petition and other matters, which are stated to have been



pending. No costs. Connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar of Cooperative Societies (Housing),
Tamil Nadu Housing Board Building,
Nandanam, Anna Salai,
Chennai - 600 035.

+1cc to Mr.C.Prakasam, Advocate, S.R.No. 17886
+1cc to Mr.Karan & Uday, Advocate, S.R.No. 18564
+1cc to the Government Pleader, S.R.No. 18214

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GN(15/07/2020)