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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P NO.16078 OF 2021

AND

W.M.P NOS.17006, 17007 & 17008 OF 2021

V.Murugan

... Petitioner

.Vs.

1. The Additional Chief Secretary to Government,
Animal Husbandry, Dairying Fisheries and
Fishermen Welfare Department,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Co-operative Milk
Producers' Federation Limited,
Nandanam,
Chennai - 600 035.

3. The General Manager,
Villupuram District Co-operative
Milk Producers Union Limited,
P.B.61, Kandamandal Post,
Vazhuthureddy,
Villupuram - 605 401.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Letter No.9478/MP.II/2021-1 dated 10/07/2021 and the consequential order passed by the 2nd respondent in Ref No.11/Admn2/2021 dated 10/07/21, quash the same and consequently fore bearing the respondents from in any way interfering with the conduct of Board Meeting and other affairs of the Petitioner's District Union.



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For Petitioner : Mr.C.Vigneswaran

For Respondents : Mr.A.Selvendiran
Government Advocate
For R1

Mr.J.Rajasingh
Standing Counsel
For R2 & R3

ORDER

By consent of both sides, this writ petition is taken up for final disposal.

2. This writ petition has been filed for quashing the impugned proceedings of the 2nd respondent and to forbear the respondents from interfering in the conduct of Board Meeting of the petitioner's District Union.

3. Heard Mr.C.Vigneswaran, learned counsel appearing on behalf of the petitioner, Mr.A.Selvendiran, learned Government Advocate appearing on behalf of the 1st respondent and Mr.J.Rajasingh, learned Standing Counsel appearing on behalf of the 2nd and 3rd respondents.

4. The case of the petitioner is that the Villupuram District Co-operative Milk Producers Union is a Co-operative Society Union as per Section 19 of the Tamil Nadu Co-operative Societies Act, 1983. The election of the Villupuram Union was held on 09.03.2020 and the office bearers were elected and presently there are 17 members in the Union including the Chairman, Vice-Chairman and Ex-officio members.

5. The grievance of the petitioner is that Section 33 of the Co-operative Societies Act mandates conducting of ordinary meetings of the Board at least once in three months for which a three clear days notice must be given. According to the petitioner, the last meeting was held on 28.12.2020. Thereafter, the meeting was supposed to be held during March 2021, and the same was postponed due to the ensuing Assembly election and the coming into force of the Model Code of Conduct. After elections were completed, once again a complete shut down was announced by the State Government during the month of May and therefore, the Union was not able to conduct any meeting during the month of May.

6. The petitioner Union thereafter made a request for conducting the Meeting and the 3rd respondent by letter dated



10.06.2021 informed that the Board Meeting should not be conducted due to the Covid lock down. The Board once again made a representation on 06.07.2021 seeking for permission to conduct the Board Meeting. It was also made clear in the said representation about the importance of conducting the Board Meeting in order to implement various measures that are essential for the survival of the Societies and the milk producers.

7. The 2nd respondent has once again issued a letter dated 10.07.2021 to the General Manager of all the District Unions stating that the Board Meeting cannot be conducted due to the pandemic situation and since the Government has not completely withdrawn the lock down. Aggrieved by the same, the present writ petition has been filed before this Court.

8. There is a mandatory requirement to convene a Board Meeting under Section 33(13) of the Co-operative Societies Act once in every three months. Therefore, if such meeting is not convened, it will tantamount to violation of the Section 33 of the Act. It is true that the Government had to take a hard stand in order to effectively deal with the pandemic situation. However, essential functions will have to move on by following the proper Covid protocol. Everything cannot come to a grinding halt and particularly those functions that directly involves public interest. This Court does not understand as to why the Board Meeting cannot be conducted by following a proper protocol. Assembly sessions are being held, Court proceedings are being held and other important meetings are being convened in public interest. Therefore, there is no reason as to why the Board meeting cannot be held by the Union by following proper Covid protocol. It cannot be postponed endlessly since, it involves the survival of the Societies and the milk producers. Therefore, this Court does not find any justification on the part of the 2nd and 3rd respondents in not permitting the Union from convening the Board meetings and transacting the business.

9. In the result, there shall be a direction to the petitioner to make a request to the 2nd respondent by indicating the date of the Board Meeting and the 2nd respondent on receipt of the same shall grant permission to convene the meeting and it is left open to the 2nd respondent to impose necessary conditions to ensure that Covid protocol is properly followed. During this pandemic situation, a balance has to be maintained and as much as possible normal functioning must go on, more particularly, when it pertains to public interest subject to following the proper protocol.

10. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous



petitions are closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssr

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+1cc to the Government Pleader, S.R.No.38041

W.P NO.16078 OF 2021 AND
W.M.P NOS.17006, 17007 &
17008 OF 2021

PCH(CO)
PBS/27/08/2021