



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15665 of 2021 and
WMP No.16572 of 2021

P.K.Kaliappan

... Petitioner

Vs.

The Deputy Registrar,
Gobichettipalayam Circle,
Gobichettipalayam, Erode District.

... Respondent

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Certiorari calling for the entire records pertaining to the proceedings of the respondent in Na.Ka.2459/2021 Vesa dated 06.07.2021 and quash the same as illegal, incompetent and ultravires.

For petitioner : Mr.V.P.Sengottuvel,
for B.Devagi Thangavel

For respondent : Mr.A.Selvendran, Govt. Adv.
for Sole respondent
Mr.L.P.Shanmuga Sundaram
representing for Nine Directors

ORDER

This writ petition has been filed seeking to issue a writ of Certiorari calling for the entire records pertaining to the proceedings of the respondent in Na.Ka.2459/2021 Vesa dated 06.07.2021 and quash the same as illegal, incompetent and ultravires.

2. The petitioner is the President of Gobichettipalayam Agricultural Manufacturing Sales Society and there are 11 Directors in the society. The petitioner has recently joined as a member in Dravida Munnetra Kalagam. Inview of the same, nine Directors had submitted a petition dated 05.07.2021 before the respondent to initiate "no confidence motion" against him and to disqualify him as a President of the Society. Based on the above said representation, the officials of the respondent had



served a show cause notice dated 06.07.2021 to the petitioner and directed him to submit his explanation, within 15 days, otherwise, they will proceed further action as per Section 62(2) & (3) of the Tamil Nadu Co-operative Society Rules. According to the petitioner, out of 9 Directors, two of them namely Mr.T.C.Chinnasamy and Mr.M.Kaliyamoorthy had given the representation to the respondent saying that they were misrepresented and their signatures were obtained in the above representation dated 05.07.2021. Challenging the above said show cause notice dated 06.07.2021 issued by the respondent, this writ petition has been filed.

3. According to the respondent, based on the representation given by the nine Directors, show cause notice was issued to the petitioner. Further, if there is any misrepresentation by the concerned Directors, as alleged by the petitioner, the above said Directors can appear before the respondent and submit their explanations.

4. At this juncture, Mr.L.P.Shanmugasundaram, learned counsel submitted before this court that he is representing for the nine Directors, who made representation before the respondent dated 05.07.2021 and the above nine Directors had given vakalath and requested him to file appropriate impleading petition to implead them as a party to the writ petition. According to him, the writ petition filed by the petitioner is at premature stage and the allegations of the petitioner are not correct and hence, the writ petition is liable to be rejected.

5. The contravention of the above said submissions and the allegations and the counter allegations of the parties shall not be looked into by this court. Admittedly, the petitioner was issued show cause notice by the respondent. As rightly pointed out by the learned counsel representing the nine Directors, the petitioner has approached this court at the premature stage. Hence, the respondent has to serve notice and proceed under Section 62(3) of the Tamil nadu Co-operative Societies Rule. Since already the nine Directors have made representation to the respondent, the next course of action to be taken by the respondent is to issue notice to convene Board Meeting under the provisions of the Tamilnadu Co-operative Societies Act.

6. Inview of the above, the respondent is directed to convene the Special Board Meeting in accordance with the provisions of Law. It is needless to say that if any representation is made by the Directors namely Mr.M.Kaliyamoorthy and Mr.T.C.Chinnasamy to the respondent, the same shall be considered by the respondent in accordance with law.



7. With the above observations, this writ petition is disposed of. No costs. Connected writ miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mst

To

The Deputy Registrar,
Gobichettypalayam Circle,
Gobichettypalayam, Erode District.

+lcc to Mr.Ma.P.Thangavel, Advocate, S.R.No.37131
+lcc to the Government Pleader, S.R.No.36947

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JPL(CO)
CB(18/08/2021)