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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.16954 of 2021
and W.M.P.Nos.17958 & 17960 of 2021

G.S.Merina

...Petitioner

-Vs-

- 1 The Commissioner of Industries
and Commerce Department of Industries
and Commerce Thiru.Vi.Ka.Industrial Estate
Guindy Chennai- 600 032.
- 2 The Joint Director (Tea) /
District Registrar industrial Co- Operatives
INDCOSERVE Church Road coonoor- 643 101.
- 3 Kundha Industrial Co- Operatives
Tea Factory Yedakkadu Post The
Nilgiris 643 209 Rep by its
Managing Director.

...Respondents

Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorari Calling for the
record of the 2nd respondent pertaining to his proceedings in
Na.Ka.No. 170/ I.C.1/ 2021 and quash the notice dated 28.07.2021.

For Petitioner : Mr.Shivakumar for
Mr.M.Gunasekaran

For Respondents : Mr.A.Selvendran
Government Advocate

O R D E R

This writ petition has been filed challenging the
proceedings of the second respondent dated 28.07.2021 wherein
the second respondent had called for a special meeting to
consider the 'No Confidence Motion' that was brought against the
petitioner.

2. When the matter was taken up for admission on 12.08.2021,
this Court passed the following order.



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" Mr.A.Selvendiran, learned Government Advocate takes notice for the respondents.

2.The learned counsel for the petitioner apart from raising various grounds, primarily raised two grounds and they are,

a) The petitioner had given a complaint making serious allegations on the functioning of the Board and as a counter blast the No Confidence Motion has been orchestrated by vested interest and

b)The petitioner has not been given sufficient opportunity to give her explanation in line with Rule 61(3) of the Tamil Nadu Co-operative Society Rules, 1988. To substantiate this submission, the learned counsel for the petitioner relied upon certain documents to show that the materials pertaining to the allegations were not supplied to the petitioner.

3.The learned Government Advocate appearing on behalf of the respondents submitted that the procedure has been followed in accordance with the Rules and there is absolutely no ground to interfere with the notice issued by the 2nd respondent calling for the No Confidence Meeting.

4.Taking into consideration the facts and circumstances of the case, the decision of the meeting shall be kept in abeyance, until further orders are passed in this writ petition.

5.Post this case under the caption immediately after the "Admission" on 19.08.2021."

3. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that, out of 1031 members who were the minimum number required for the purpose of moving the Motion, only 169 persons were present. As a result of the same, the meeting itself was called off due to lack of quorum. The learned counsel therefore submitted that the allegation made by the petitioner that the whole meeting was orchestrated by vested interest has now been substantiated factually.

4. The learned Government Advocate appearing on behalf of the respondents, based on instructions, submitted that the meeting itself has been called off due to lack of quorum. The learned Government Advocate also circulated the written



instructions wherein it is found that, the Joint Director (Tea), Coonoor has recorded in minute Book on meeting day itself ie., as per TNCS Act and Rule No.61(5), majority of the members not attended the special meeting; hence Quorum was not enough to conduct the above meeting.

5. Taking into consideration the facts and circumstances of the case, and also of the fact that the impugned notice itself has now paled into insignificance by virtue of the meeting itself being called off, no further orders are required to be passed in this writ petition.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KST

To

- 1 The Commissioner of Industries
and Commerce Department of Industries
and Commerce Thiru.Vi.Ka.Industrial Estate
Guindy Chennai- 600 032.
- 2 The Joint Director (Tea) /
District Registrar industrial Co- Operatives
INDCOSERVE Church Road coonoor- 643 101.
- 3 The Managing Director, Kundha Industrial Co- Operatives
Tea Factory Yedakkadu Post
The Nilgiris 643 209 .

+1cc to Mr.M.Gunasekaran, Advocate, S.R.No.42372

+1cc to the Government Pleader, S.R.No.42073

W.P.No.16954 of 2021

GPL[co]
NSK 13/09/2021