



WEB COPY

W.P.(MD)No.979 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.979 of 2021

and

W.M.P. (MD)Nos.843 & 844 of 2021

K.Nagarajan

... Petitioner

-Vs-

1.The Registrar of Co-operative Societies,

N.V.Natarajan Maligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk,
Chennai-600 010.

2.The Deputy Registrar of Co-operative Societies (3rd Floor),

Collectorate Annexure,
Nagercoil,
Kanyakumari District.

3.The Co-operative Sub Registrar / Field Officer,

Agastheeswaram,
O/o The Deputy Registrar of Co-operative Societies (3rd Floor),
Collectorate Annexure,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the proceedings of the third respondent dated 30.12.2020 in Na.Ka.No.2875/2020/Cha.pa and quash the same.

For Petitioner : Mr.S.Pillai Monicantan

For Respondents : Mr.P.Mahendran

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner was elected as the president of the Vadasery Co-operative Store. He was removed from his office by the impugned proceedings. The same is put to challenge.

3.The learned counsel appearing for the petitioner points out that for removing the president from his office, no confidence motion must be moved and the requisition must be signed by not less than 2/3rd of the members. There are totally 11 members in the



board. 2/3rd constitutes 7.33. But only seven members had signed the requisition. Therefore, unless eight persons had signed the requisition, the meeting for removal of the president could not have been convened. The case on hand is squarely covered by the decision of this Court reported in **2015 (2) CTC 52 (Thanga Kathiravan Vs. The Deputy Registrar of Co-operative Societies)**.

4.Applying the ratio laid down in the aforesaid decision, the impugned proceedings are quashed. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk,
Chennai-600 010.
- 2.The Deputy Registrar of Co-operative Societies (3rd Floor),
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Nagercoil,
Kanyakumari District.
- 3.The Co-operative Sub Registrar / Field Officer,
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O/o The Deputy Registrar of Co-operative Societies (3rd Floor),
Collectorate Annexure,
Nagercoil, Kanyakumari District.

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VB (08.02.2021) 2P 4C

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