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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.5186 OF 2021
AND W.M.P.NO.5748 OF 2021

M.Palanivel

.. Petitioner

Vs.

1. The Registrar,
Co-operative Societies,
EV Ramasamy Road,
Kilpauk, Chennai.
2. The Deputy Registrar,
Co-operative Societies,
Tiruvannamalai,
Tiruvannamalai District.
3. The Joint Registrar,
Co-operative Societies,
Tiruvannamalai,
Tiruvannamalai District.
4. The Joint Registrar/Managing Director,
Tiruvannamalai District Central Co-Operative Bank Ltd,
Tiruvannamalai,
Tiruvannamalai District.
5. Arudhrapattu Primary Agriculture Co-operative
Credit Society (HH463),
Arudhrapattu Village and Post,
Tiruvannamalai Taluk,
Tiruvannamalai District.
6. A.K.Moorthy,
President,
Arudhrapattu Primary Agriculture Co-operative
Credit Society (HH463),
Arudhrapattu Village and Post,
Tiruvannamalai Taluk,
Tiruvannamalai District.

.. Respondents



Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to remove the 6th respondent from the post of President of 5th respondent Society and also membership of the board of the 5th respondent society by considering the representation dated 10.08.2020.

For Petitioner : Mr.R.Rajarajan
For RR1 to 3 : Mr.U.Baranidharan,
Additional Government Pleader
For RR4 & 5 : Mr.L.P.Shanmugasundaram
For R6 : Mr.K.Rajendran

O R D E R

This Writ Petition is filed by the petitioner, seeking for a direction to the 1st respondent to remove the 6th respondent from the post of President of 5th respondent Society and also membership of the board of the 5th respondent society by considering the representation dated 10.08.2020.

2.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 3, learned counsel appearing for the respondents 4 & 5 as well as the learned counsel appearing for the 6th respondent and perused the materials available on record.

3.The petitioner is one of the Board members of the 5th respondent Society. According to the petitioner, as per Section 33 (13) of the Tamil Nadu Cooperative Societies Act, ordinary board meeting must be conducted atleast once in three months. The last board meeting was conducted on 10.07.2019. Thereafter, the 6th respondent did not convene any meeting for more than one year. Without convening board meeting, the 6th respondent, in collusion with two or three members, passed resolution and vital decisions are taken with regard to affairs and management of the 5th respondent Society. The petitioner and six other members gave a representation dated 10.08.2020 to the respondents 1 to 4 to take action for disqualifying and removing the 6th respondent by invoking Section 36 of the Tamil Nadu Cooperative Societies Act. Since no action is taken, the petitioner has come out with the present Writ Petition.



4. According to the petitioner, after last meeting conducted on 10.07.2019, the 6th respondent did not convene any meeting till date. On the other hand, from the copy of the representation filed in the typed set of papers, it is seen that the grievance of the petitioner and other members is that the 6th respondent was not serving notice of board meeting on them, which was conducted after 10.07.2019. Further, in the affidavit, the petitioner has stated that the 6th respondent, in collusion with two or three members, has passed resolution for taking vital decisions with regard to affairs of the Society. In view of these contradictions, it is evident that the petitioner is not clear in his grievance against the 6th respondent.

For the above reason, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Registrar,
Co-operative Societies,
EV Ramasamy Road,
Kilpauk, Chennai.
2. The Deputy Registrar,
Co-operative Societies,
Tiruvannamalai,
Tiruvannamalai District.
3. The Joint Registrar,
Co-operative Societies,
Tiruvannamalai,
Tiruvannamalai District.
4. The Joint Registrar/Managing Director,
Tiruvannamalai District Central Co-Operative Bank Ltd,
Tiruvannamalai,
Tiruvannamalai District.



5. Arudhrapattu Primary Agriculture Co-operative
Credit Society (HH463),
Arudhrapattu Village and Post,
Tiruvannamalai Taluk,
Tiruvannamalai District.

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+1cc to Mr.R.Rajarajan, Advocate, S.R.No.2442
+1cc to the Government Pleader, S.R.No.24919

W.P.No.5186 of 2021

PM (CO)
PM/20/04/2022