



W.P.(MD)No.9272 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9272 of 2021

and

W.M.P(MD)Nos.6983 & 6985 of 2021

P.Krishnan

... Petitioner

Vs

1.The Registrar of Co-operative Societies (Housing),
Tamil Nadu Co-operative Housing Society,
No.48, Ritherton Road,
Vepperi,
Chennai – 600 007.

2.The Deputy Registrar (Housing Society)
Virudhunagar Region,
No.3, DD Road,
Maninagaram,
Virudhunagar District.

3.The President,
MDA-HSG-102 Ilaiyankudi Co-operative
Housing Society Limited,
Ilaiyankudi,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, call for the records in Na.Ka.No.



W.P.(MD)No.9272 of 2021

1155/17/Sapa(1) dated 12.04.2021 on the file of the second respondent quash the same and pass such other order as deem fit and proper circumstances of the case.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate for R.1 & R.2

No Appearance for R.3

ORDER

Heard the learned counsel on either side.

2. By the impugned order, the subject Society has been ordered to be wound up. It is beyond dispute that the procedure set out in Rule 113 of Tamil Nadu Cooperative Societies Rules, 1988 was not followed.

3. The learned counsel for the petitioner referred to the decision rendered by a learned Judge of this Court in ***N.Baskaran Vs The Registrar of Co-operative Societies (Housing) and others in W.P(MD)No.8941 of 2021 dated 30.04.2021*** wherein it was held as follows:

“8. A careful reading of Section 137 of the Act along with Section 113 of the Tamil Nadu Co-operative Societies Rules, 1988 shows that it mandates convening a special meeting after giving seven clear days' notice to the members



W.P.(MD)No.9272 of 2021

along with a copy of the notice under Sub Section 1 of Section 137. In the event of failure of the Society to convene the special meeting, the Registrar may himself communicate or authorize the communication of a copy of the said notice to the members of the Society calling upon such members to submit their representations, if any. This mandatory requirement was not followed by the second respondent and straight away, the impugned order came to be passed by the second respondent.”

In this view of the matter, the order impugned in this writ petition is quashed. This writ petition is allowed. It is open to the second respondent to proceed afresh in accordance with law. Consequently, connected miscellaneous petitions are closed. No costs.

28.07.2022

Index : Yes / No

Internet : Yes/ No

mga

To

1.The Registrar of Co-operative Societies (Housing),
Tamil Nadu Co-operative Housing Society,
No.48, Ritherton Road,
Vepperi,
Chennai – 600 007.



WEB COPY



W.P.(MD)No.9272 of 2021

G.R.SWAMINATHAN, J.

mga

- 2.The Deputy Registrar (Housing Society)
Virudhunagar Region,
No.3, DD Road,
Maninagaram,
Virudhunagar District.
- 3.The President,
MDA-HSG-102 Ilaiyankudi Co-operative
Housing Society Limited,
Ilaiyankudi,
Sivagangai District.

W.P.(MD)No.9272 of 2021

28.07.2022