



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11851 of 2022

S.Duraikannu

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Tirunelveli District.

2.The Deputy Registrar of Co-operative Societies,
Tenkasi Range,
Tenkasi District.

3.John Kaberial,
Co-operative Sub-Registrar,
O/o.Deputy Registrar of Co-operative Societies,
Tenkasi District.

4.The President,
Q.1697, Rettiakulam Primary Agricultural
Co-operative Credit Society,
Rettiakulam,
Tenkasi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to conduct special meeting for No Confidence Motion against the fourth respondent without making further delay within time frame to be fixed by this Court.

For Petitioner	: Mr.S.Kumar
For R1 to R3	: Mr.P.Thilak Kumar
	Government Pleader

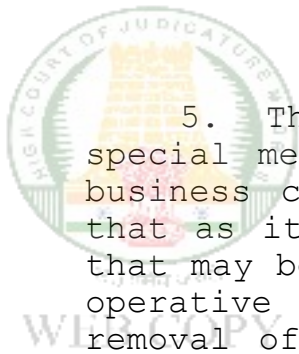
O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for R1 to R3.

2. Considering the nature of relief to be granted, issuance of notice to R4 is dispensed with.

3. The petitioner is a member of the Board of Directors of the 4th respondent Society. The total strength of the board is 11. It is stated that two persons have passed away. The petitioner is one of the elected board member. He along with others have given a requisition for voting a No Confidence Motion against the incumbent president.

4. The grievance of the petitioner is that special meeting board is not being convened. Hence, this Writ Petition has been filed.



5. The learned Government Advocate would point out that such a special meeting was in fact convened on 30.05.2022. But then, no business could be transacted because of law and order issue. Be that as it may, they are ready to convene the meeting on any date that may be indicated by this Court. Rule 62 of the Tamil Nadu Co-operative Societies Rules, 1988, deals with the procedure for removal of a elected office bearer. Rule 62 categorically states that once a requisition is received and it has been signed by not less than two-thirds of the existing members of the board of the society, the authorities are bound to arrange convening of a special meeting of the board. This is a statutory mandate.

6. I therefore direct the second respondent to ensure that the special meeting as contemplated by the aforesaid Rule is convened and held on 23.06.2022. Since on the earlier occasion, law and order issues are said to have cropped up, the officer authorised to preside over the meeting is entitled to requisition the aid of the local police and the local police are directed to extend full police protection for smooth conduct of the meeting.

7. The Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

20/06/2022

Sub Assistant Registrar(CS)

To

1.The Joint Registrar of Co-operative Societies, Tirunelveli District.

2.The Deputy Registrar of Co-operative Societies,
Tenkasi Range, Tenkasi District.

COPY TO:

1.The Inspector of Police,
Tenkasi Police Station, Tenkasi.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SPL.GP (SR-26186[F] dated 16/06/2022)

+1 CC to M/s.S. KUMAR, Advocate (SR-26227[F] dated 16/06/2022)

W.P. (MD) No.11851 of 2022

Date:15.06.2022

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