



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.12766 of 2022

and

W.M.P (MD) Nos.9055 and 9062 of 2022

Kasi Nadar

... Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Joint Registrar,
Co-operative Societies,
Tirunelveli,
Tirunelveli District.

3.The Deputy Registrar,
Co-operative Societies,
Tenkasi, Tenkasi District.

4.The Sub Registrar,
Co-operative Societies,
Deputy Registrar Office,
Tenkasi, Tenkasi District.

5.The Inspector of Police,
Surandai Police Station,
Tenkasi District.

6.Duraikannu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings passed by the 3rd respondent vide Na.Ka.No.1439/2020/Sa.Ba. dated 16.06.2022 and quash the same as illegal and consequently direct him to refrain from conducting the no confidence motion at their primary agricultural co-operative society, Rettaikulam, V.K.Pudur Taluk, Tenkasi District on 23.06.2022 at 11.00 pm and re-locate it to some other place for conducting the no confidence motion.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1 to R5
Mr.S.Kumar for R6

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ORDER

Heard the learned counsel on either side.

2.Pursuant to the direction given by this Court in W.P.(MD) No.11851 of 2022 on 15.06.2022, the impugned order dated 16.06.2022 has been passed by the Deputy Registrar of Co-operative Societies, Tenkasi. The petitioner is one of the members of the board. His objection is that the meeting to decide on the no confidence motion should not be held in the premises of Rettikulam Primary Agricultural Co-operative Society. According to him, his supporters are likely to be prevented from taking part in the voting process.

3.The learned Special Government Pleader for the respondents 1 to 5 draws my attention to Sub Rule 2 of Rule 58 of the Tamil Nadu Co-operative Societies Rules, 1988. It categorically states that the meetings of the board shall be held at the premises of the society, the address of which is registered under Section 37 or at any other place within the area of operations of the society, to which all the members of the board shall have access. Therefore, the third respondent is justified in giving a direction that the proposed meeting will be held in the premises of the society in question. To allay the apprehension expressed by the writ petitioner, the fifth respondent is directed to provide adequate police bandobast to ensure smooth conduct of the meeting and to ensure that the petitioner and his supporter/supporters are also allowed to vote freely.

4.With this direction to the jurisdictional police, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

ias

To:

1.The Superintendent of Police,
Tenkasi District,
Tenkasi.

<https://hcservices.ecourts.gov.in/hcservices/>



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5.The Inspector of Police,
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Tenkasi District.

+1 CC to M/s.SPL.GP (SR-27691[F] dated 23/06/2022)

W.P (MD) No.12766 of 2022
22.06.2022

MGJ(01.07.2022) 3P 7C