



W.P(MD)No.20551 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20551 of 2019

and

W.M.P(MD)Nos.17190 & 17191 of 2019

V.Ramakrishnan

... Petitioner

Vs

1.The Deputy Registrar of
Co-operative Societies,
Madurai Circle,
Madurai.

2.The Co-operative Sub Registrar /
Enquiry Officer,
Madurai North,
Madurai.

3.P.Chandrasekaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent dated 29.07.2019 and quash the same and consequently direct the respondents 1 and 2 to conduct special meeting to remove the third respondent from the office bearer post.



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For Petitioner : Mr.R.Murali

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader
for R.1 & R.2

R.Kannan for R.3

ORDER

Heard the learned counsel on either side.

2. The petitioner's case is that even though the number of requisitionists for removing the third respondent from his office full-filled the requirement set out in Rule 62 of Tamil Nadu Co-operative Societies Act, the second respondent on an erroneous understanding of the Rule position issued the proceedings on the ground that the number of persons who were present in the meeting did not satisfy the coram.

3. The learned counsel appearing for the petitioner points out that while the number of requisitionists will have to be not less than $2/3^{\text{rd}}$ of the total number of the Board members, it is enough if the majority of the members alone are present at the time of convening the meeting. He is entirely right in his understanding of the Rule position. However, the facts are different. The number of members constituting the Board is eleven. Eight persons have signed the requisition. It is seen from the materials on record that only seven



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persons have signed the requisition. In these circumstances, the very convening of the meeting is without jurisdiction.

4. In this view of the matter, I decline to interfere. This writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.12.2022

Index : Yes / No
Internet : Yes/ No
MGA

To

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G.R.SWAMINATHAN, J.

MGA

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