



WEB COPY



W.P.No.16009 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.16009 of 2023 &

W.M.P.No.15449 of 2023

1. R.Veeramani
2. G.N.Kamalanaban
3. V.R.Prakash
4. R.Tamilselvi
5. A.Abdul Wahaf
6. M.P.Paramaguru
7. B.Asaimani
8. M.Krishnan
9. M.Devi
10. S.Arivalazhagan
11. A.Ilayakrishnan

... Petitioners

Vs

The Registrar of Cooperative Societies,
No.49, Ritherton Road, Chennai – 60 007.

... Respondent

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the respondent from proceeding the disqualification notice under section 36 of the Tamil Nadu Co-operative Societies Act in Na.Ka.No.193/2023/sa.pa2 dated 10.01.2023 and consequential summon issued in Na.Ka.No.193/2023/sa.pa2 dated



W.P.No.16009 of 2023

17.05.2023 without submitting the petitioners explanation in the notice by the petitioners representation dated 12.05.2023.

For petitioner : Mr.M.S.Palaniswamy

For Respondent : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

The petitioners, who are President and Office bearers of the Chennai Metropolitan Co-operative Housing Society Ltd., have approached this Court for a Mandamus forbearing the respondent from proceeding the disqualification notice issued under section 36 of the Tamil Nadu Co-operative Societies Act in Na.Ka.No.193/2023/sa.pa2 dated 10.01.2023 and consequential summon issued in Na.Ka.No.193/2023/sa.pa2 dated 17.05.2023.

2. The case of the petitioners is that the petitioners have been democratically elected as the President and Members of the Chennai Metropolitan Co-operative Housing Society Limited in the year 2018 and they have been discharging their duties as per the Society's Bye-Laws.



W.P.No.16009 of 2023

WEB COPY

Since they belong to different political parties, the respondent is attempting to disqualify the petitioners by initiating proceedings under section 36 of the Tamil Nadu Co-operative Societies Act. Therefore, the petitioners, on receipt of the notice from the respondent, sought copy of the documents which have been relied on by the respondent in the enquiry contemplated as against them and the same has not been furnished. The petitioners have also filed W.P.Nos.5349 of 2023, 6640 of 2023 and 7160 of 2023 for a Mandamus forbearing the respondent from proceeding further on the basis of the disqualification notice, without furnishing the copies of the documents requested by the petitioners vide their representations dated 21.01.2023 and 13.02.2023. This Court by an Order dated 23.02.2023 disposed of the Writ Petition with a direction to the respondent to furnish the documents mentioned in the disqualification notice dated 10.01.2023 within a period of two weeks from the date of receipt of a copy of this Order. Pursuant to the Order of this Court dated 23.02.2023, the respondent has furnished the copy of the documents only on 28.04.2023, which was received by the petitioners on 06.05.2023, with a voluminous 4,675 papers. Therefore, to go through the papers and to submit their explanation based on the documents, the petitioners sought time and the



W.P.No.16009 of 2023

same was not considered by the respondent. Hence, the present Writ
Petition.

3. The learned Additional Government Pleader appearing for the respondent strongly opposed the Writ Petition contending that the petitioners are following delaying tactics and he has also filed the written communication received from the Housing Department which discloses the dates and events in the enquiry contemplated as against the petitioners, which reads as follows :

Sl. No.	Event	Dated
1	Order of Statutory Enquiry under section 81 of TNCS Act 1983	29.03.2022
2.	Submission of Enquiry report	06.10.2022
3.	Deputy Registrar [Housing], Chennai Region proposal to initiate proceedings under section 36 of TNCS Act 1983	09.01.2023
4.	Statutory Notice under section 36 of TNCS Act 1983 by Registrar of Cooperative Societies [Housing]	10.01.2023
5.	Letters of board of directors seeking Additional particulars	21.01.2023 & 13.02.2023
6.	Judgments in Writ Petitions filed by the board of directors before Honourable High Court of Madras to provide for additional particulars a] W.P.No.5349 of 2023	23.02.2023



W.P.No.16009 of 2023

Sl. No.	Event	Dated
	b] W.P.No.6640 of 2023 c] W.P.No.7160 of 2023	03.03.2023 09.03.2023
7.	As sought for by the board of directors, Additional particulars consisting of Page No.1 to 311 to each of the board of directors was sent vide letter Rc.No.193/2023/SF2 dated 09.03.2023 by Registrar of Cooperative Societies [Housing]	09.03.2023
8.	Following 09.03.2023 dated letter the board of directors asked further more records and in addition to that they again asked for attested copies of already sent particulars through letter dated 09.03.2023	13.03.2023 14.03.2023 15.03.2023
9.	As sought for by the board directors, this time Additional particulars consisting of 4675 pages including attested copies of previously sent document was sent to each of the board of directors vide letter cum summon Rc.No.193/2023/SF2 ated 28.04.2023 by Registrar of Cooperative Societies [Housing]	28.04.2023
10.	Board of directors letters seeking further more time to submit the explanation	12.05.2023
11.	1 st Hearing Date	17.05.2023
12.	Since board of directors asked for further more time 2 nd summon was issued vide Rc.No.193/2023/SF2 dated 17.05.2023	17.05.2023
13.	2 nd Hearing Date	26.05.2023

4. This Court considered the rival submissions.

5. The respondent has initiated proceedings under section 36 of the



W.P.No.16009 of 2023

WEB COPY

Tamil Nadu Co-operative Societies Act. The petitioners approached this Court for a direction to the respondent to furnish the copy of the documents relied on by the respondent in the disqualification proceedings and those documents were furnished to the petitioners along with summons dated 28.04.2023, which according to the petitioners was received only on 06.05.2023.

6. Considering the voluminous nature of documents which runs around 4675 pages, this Court is inclined to grant six weeks time, from today, to the petitioners to give their explanation to the notice dated 10.01.2023. The objections of the learned Additional Government Pleader has also to be taken in to consideration. Therefore, the respondent is also directed to conclude the proceedings in a time bound manner and the petitioners are also expected to cooperate with the enquiry. The learned Additional Government Pleader undertakes to intimate the order of this Court to the respondent, about granting of time of six weeks to the petitioners to give their explanation to the notice issued by the respondent dated 10.01.2023.

7. With the above direction, this Writ Petition is disposed of.



W.P.No.16009 of 2023

Consequently, connected miscellaneous petition is closed No costs.

WEB COPY

24.05.2023

vrc

Note : Issue Order Copy on 26.05.2023

To,

The Registrar of Cooperative Societies,
No.49, Ritherton Road,
Chennai – 60 007.



WEB COPY



W.P.No.16009 of 2023

B.PUGALENDHI, J.

VTC

WP.No.16009 of 2023

24.05.2023