



W.P(MD)No.949 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.949 of 2019
and
W.M.P.(MD)No.773 of 2019

S.Lakshmi

... Petitioner

Vs.

- 1.The Deputy Registrar of Cooperative Societies,
Cheranmahadevi, stationed at
Tirunelveli.
- 2.The Joint Registrar of Cooperative Societies,
Tirunelveli.
- 3.The Presiding Officer,
The Cooperative Sub Registrar / Managing Director,
O.1923, Nanguneri Radhapuram Taluks Agricultural
Procedures Cooperative Marketing Society Ltd.,
Valliyoar, Tirunelveli District.
- 4.S.Valarmathi
- 5.P.Venkatkumar
- 6.S.M.Murugan
- 7.J.Nirmala
- 8.R.S.Sathyanarayanan
- 9.V.Panneer Arockiamary
- 10.C.Thangaraj



W.P(MD)No.949 of 2019

11.D.Sundarraaj

12.A.Pushparaj

... Respondents

(R6 to R12 are impleaded vide Court order dated 08.10.2020 in W.M.P.(MD)No.2031 of 2019 in W.P.(MD)No.949 of 2019 by AQJ)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order passed by 1st respondent in Na.Ka.No.4570/2018 Tho.Ve.Sa., dated 19.12.2018 and its consequential impugned notice passed by the 3rd respondent in proceeding No.Nil, dated 10.01.2019, relating to convening a Special Board Meeting for the purpose of resolving on the subject of No-Confident Motion against the petitioner herein and to quash the same as illegal.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.SRA.Ramachandran,
Addl. Government Pleader for R1 to R3.
Mr.S.R.Anbarasu for R6 to R12.

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the notice issued under Rule 62 of Tamil Nadu Cooperative Societies Rules, 1988. The petitioner is the President of EE



W.P(MD)No.949 of 2019

446, Kadankulam Primary Agricultural Cooperative Credit Society. The Board comprises eleven members. Requisition for removing the writ petitioner from her post was signed by seven persons. Rule 62(2) of the Tamil Nadu Cooperative Societies Rules, 1988 reads as follows:-

“62. Removal of an elected office-bearer.____

(1)

(2) No special meeting of the board shall be convened unless a requisition in writing signed by not less than two-thirds of the existing members of the board of the society at the time of such requisition who are eligible to vote at elections is presented to the Registrar.”

3.The expression in the above Sub-Rule is “not less then two-thirds”. A simple arithmetic calculation indicates that two-thirds of 11 will be 7.33. It should therefore be rounded off to 8. Since the number of persons who signed the requisition is not in consonance with the requirement set out in Rule 62(2), the impugned notice has to be necessarily set aside. It is accordingly set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.949 of 2019

G.R.SWAMINATHAN, J.

ias

To:

- 1.The Deputy Registrar of Cooperative Societies,
Cheranmahadevi, stationed at
Tirunelveli.
- 2.The Joint Registrar of Cooperative Societies,
Tirunelveli.
- 3.The Presiding Officer,
The Cooperative Sub Registrar / Managing Director,
O.1923, Nanguneri Radhapuram Taluks Agricultural
Procedures Cooperative Marketing Society Ltd.,
Valliyoor, Tirunelveli District.

W.P(MD)No.949 of 2019

03.01.2023