



W.P.(MD)No.11913 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.11913 of 2017
and
W.M.P.(MD)No.9177 of 2017

S.Sankar

... Petitioner

versus

1. The Registrar of Co-operative Societies,
EVR High Road,
Kilpauk, Chennai – 10.
2. The Regional Joint Registrar of
Co-operative Societies,
C.R.Naidu Street,
Tuticorin,
Tuticorin District.
3. The Deputy Registrar of
Co-operative Societies,
Kovilpatti Circle,
Ettyapuram Road,
Kovilpatti Taluk,
Tuticorin District.



W.P.(MD)No.11913 of 2017

4. V.S.Muthaiah,
President,
THEE LEE THANI 118, Kalugumalai
Primary Agricultural
Cooperative Credit Society,
Kalugumalai,
Tuticorin District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents, particularly, the 1st respondent to take action against the 4th respondent and to disqualify him for the act of negligence and mismanagement of the said Society by considering the written representation dated 08.05.2017 sent to the first respondent.

For Petitioner : Mr.K.Sathiya Singh
For R1 to R3 : Mr.M.Siddhardhan,
Additional Government Pleader
For R4 : Mr.K.R.Laxman

ORDER

The petitioner is an elected Vice President of a Society, namely, THEE LEE THANI 118, Kalugumalai Primary Agricultural Cooperative Credit Society, Kalugumalai, Tuticorin District and has filed this writ petition in the year 2017, seeking appropriate action as



W.P.(MD)No.11913 of 2017

against the 4th respondent and to disqualify him for the act of negligence and mismanagement of the Society by considering his representation dated 08.05.2017.

2. The case of the petitioner is that the 4th respondent, the elected President of the Society, without conducting any meeting, has falsely recorded in the Board Meeting Minutes Book for the past 11 months, i.e. from 01.06.2016, as if the Board of Directors Meeting was periodically conducted.

3. The learned counsel appearing for the petitioner, by referring to the provisions under Section 26(8) and 36 of the Tamil Nadu Co-operative Societies Act, submits that the act of the 4th respondent in circulating the Minute Book without conducting the Board Meeting is a violation of Section 26(8) of the Act and therefore, he is liable to be disqualified as per Section 36 of the Act. The petitioner has submitted a representation on 29.04.2017 and another representation on



W.P.(MD)No.11913 of 2017

08.05.2017 to the first and second respondents and has approached this

Court that his representations were not considered.

4. This Court has ordered notice to the respondents and notice were served on all the respondents. But, the respondents 1 to 3 have not filed their response to this writ petition.

5. When this writ petition is taken up for hearing, the learned Additional Government Government appearing for the respondents 1 to 3, based on a written instruction from the Sub Registrar, Kovilpatti, submits that the period of earlier office bearers was over on 10.08.2018 and new office bearers have taken charges on 11.08.2018. Therefore, the writ petition becomes infructuous.

6. The learned counsel appearing for the 4th respondent submits that all the meetings have been conducted only in accordance with law.



W.P.(MD)No.11913 of 2017

7. This Court considered the rival submissions made and perused the materials available on record.

8. The petitioner, an elected Vice President of the Society, has submitted a representation to the respondents 1 and 2 that the 4th respondent, the President of the Society, has not conducted the meetings as per the statute and no notice was issued as required under Section 26(8) of the Act, however, signatures of the Board of Directors were obtained in the minute book and circulating the same to the members.

9. The officials though received the representation did not consider the same and also failed to respond to this writ petition. Now, it is reported that the tenure of the 4th respondent is over and again, the 4th respondent is re-elected as the President of the Society. It is not the petitioner alone made this allegation, the 3rd respondent has also raised certain grievance to the relevant period. Therefore, this writ petition is



W.P.(MD)No.11913 of 2017

disposed of with a direction to the respondents to ascertain whether any glaring violations are taken place in the Society and the 4th respondent is conducting the affairs of the Society as per the Statute. No costs. Consequently, connected miscellaneous petition is closed.

26.06.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Registrar of Co-operative Societies,
EVR High Road,
Kilpauk, Chennai – 10.
2. The Regional Joint Registrar of
Co-operative Societies,
C.R.Naidu Street,
Tuticorin,
Tuticorin District.
3. The Deputy Registrar of
Co-operative Societies,
Kovilpatti Circle,
Ettyapuram Road,
Kovilpatti Taluk,
Tuticorin District.



WEB COPY



W.P.(MD)No.11913 of 2017

B.PUGALENDHI, J.

ogy

W.P.(MD)No.11913 of 2017

26.06.2023