



W.P.(MD)No.8059 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 8059 of 2016

and

W.M.P(MD)No.6577 of 2016

1.K. Amirbatcha
2.V.P.Jenaathanan
3.S. Vijayalakshmi
4.S. Shanthi
5.S. Karthikeyan
6.M. Thangadurai ... Petitioners
Vs.

1.The Registrar,
O/o the Registrar Co-Operative House Building Society,
4th Street, Gandhi Nagar,
Aadayar,
Chennai -20.
2. The Deputy Registrar of Co-Operative House Building Society,
O/o the Deputy Registrar Housing,
Madurai Region,
Madurai.
Madurai District. ... Respondents/Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.1927/2013/Cha.Pa (2), dated 27.04.2015 and quash the same as illegal.

For Petitioner : Mr. H.Mohammed Imran, for
M/s.Ajmal Associates

For Respondent : Mr. R. Ragavendhran,
Government Advocate

ORDER

This writ petition is filed to quash the impugned order, dated 27.04.2015.

2. Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the respondents submitted that this writ petition has been filed for challenging surcharge enquiry report, which was conducted under 87 of the Tamil Nadu Co-operative Societies Act, 1987. He further submitted that the petitioner is having alternative remedy to file a Civil Miscellaneous Appeal before the appropriate Tribunal, since evidence can be



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gone through. Moreover, evidence cannot be apprised in writ petition under Article 226 and hence, this writ petition is not maintainable.

3 . Therefore, this Court is not inclined to entertain this writ petition.

The petitioner is directed to file a Civil Miscellaneous Appeal, within four weeks from the date of receipt of a copy of the order. The writ petition is pending from 2016 onwards. Hence, the period from the date of filing the writ petition until four weeks from the date of receipt of the copy of the order shall be excluded for the period of limitation.

4. With these observations and directions, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

15.06.2023



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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 8059 of 2016**

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