

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.Nos.30220 and 32774 of 2014  
and  
M.P.Nos.1 & 3 of 2014 &  
M.P.Nos.1 to 3 of 2014

K.Senthilvel .. Petitioner in both W.Ps.  
vs.

1.The Deputy Registrar of  
Co-operative Societies, Erode  
Region, No.34, Muthumariamman  
Koil Street, Thirunagar Colony  
Karungalpalayam, Erode 638 003.

2. No.AA226 Modakuruchi Primary  
Agricultural Co-operative Society Ltd.,  
rep.by its President  
Modakuruchi 638 104.  
Erode District.

.. Respondents 1 and 2 in  
both W.Ps.

3. S.Balasubramaniam .. 3rd Respondent in  
W.P.No.30220 of 2014

(R3 is impleaded as per order  
dated 17.12.2014 in M.P.No.2/2014  
in W.P.No.30220/14)

K.S.Shanmugam .. 3rd respondent in  
W.P.No.32774 of 2014

W.P.No.30220 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari to call for the entire records relating to the impugned orders passed by the first respondent in the proceedings in Na.Ka.5734/2013/Sa.Pa dated 13.10.2014 and to quash the same.

W.P.No.32774 of 2014:

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari to call for the entire records relating to the impugned proceedings in Resolution

No.5 dated 15.11.2014 passed by the second respondent along with the consequential communication dated 17.11.2014 by the second respondent and to quash the same.

For Petitioner : Mr.R.Krishnamoorthy  
in both W.Ps.

For Respondents : Mr.L.P.Shanmugasundaram  
Special Government Pleader  
for RR1 and 2 in both W.Ps.  
Mr.C.Prakasam for R3  
in W.P.No.30220 of 2014  
No appearance for R3  
in W.P.No.32774 of 2014

COMMON ORDER

W.P.No.30220 of 2014 has been filed by the petitioner to issue a writ of certiorari to call for the records relating to the impugned order passed by the first respondent dated 13.10.2014 and to quash the same.

2. W.P.No.32774 of 2014 has been filed by the petitioner to issue a writ of certiorari to call for the records relating to the impugned proceedings in Resolution No.5 dated 15.11.2014 passed by the second respondent along with the consequential communication dated 17.11.2014 issued by the second respondent and to quash the same.

3. Heard Mr.R.Krishnamoorthy, learned counsel for the petitioner, Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing on behalf of respondents 1 and 2 and Mr.C.Prakasam, learned counsel appearing for R3 in W.P.No.30220 of 2014.

4. On a careful consideration of the materials available on record and the submissions made by the learned counsel on either side, it could be seen that the petitioner has got appeal and revision remedy under Sections 152 and 153 of the Tamil Nadu Co-operative Societies Act, 1983. So far as the impugned order dated 13.10.2014 in W.P.No.30220 of 2014 is concerned, the remedy available to the petitioner is to file an appeal under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983 and insofar as the impugned Resolution dated 15.11.2014 and the consequential communication dated 17.11.2014 in W.P.No.32774 of 2014 is concerned, the remedy available to the petitioner is to file revision under Section 153 of the Tamil Nadu Co-operative Societies Act. However, the petitioner has approached this Court under Article 226 of the Constitution of India by way of these writ petitions.

5. In the circumstances, I am not inclined to entertain the writ petitions. However, liberty is given to the petitioner to file an appeal under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983 and revision under Section 153 of the Act, within a period

of two weeks from the date of receipt of a copy of this order, as against the impugned proceedings.

6. With this observation, both the writ petitions are dismissed. Since an alternative remedy is available to the petitioner and the writ petitions are dismissed as not maintainable, I am not adverting to the merits of the case in these writ petitions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

1.The Deputy Registrar of  
Co-operative Societies, Erode  
Region, No.34, Muthumariamman  
Koil Street, Thirunagar Colony  
Karungalpalayam, Erode 638 003.

2. The President  
No.AA226 Modakuruchi Primary  
Agricultural Co-operative Society Ltd.,  
Modakuruchi 638 104.  
Erode District.

1 cc to Government Pleader, Sr.No3725

1 cc to Mr.L.P.Shanmugasundaram, Advocate, SR.No.3574

kji(co)  
pmk.27.1.2015

W.P.Nos. 30220 & 32774 of 2014

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