

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.25307 of 2015 &
M.P.No.1 of 2015

1 Padmapriya

2 Srikanth [PETITIONERS]

Vs

1 C.A.Gopalakrishnan

2 The Secretary
Government Servants House Sites
Distribution Society
Karthikeyan Salai, Chennai-600 082.

3 The Deputy Registrar of
Co-operative Societies (Housing)
Ramanathan Street,
T.Nagar, Chennai-600 017.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorarified mandamus, to call for the records relating to the Award dated 10.7.2015 of the third respondent herein in ARC 101/86-87 and quash the same.

For Petitioners: Mr.V.Srinivasan

For Respondents: Mr.T.Sellapandian - R1
Mr.P.Anbarasan, for R2 and for R3
Mr.R.Bala Ramesh

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O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.V.Srinivasan, learned Counsel appearing for the petitioners, T.Sellapandian, learned counsel appearing for the second respondent and Mr.R.Bala Ramesh, learned counsel appearing for the respondents 2 & 3.

3. The petitioners have challenged the Award passed by the Arbitrator dated 10.07.2015, under section 19 of the Tamil Nadu Co-operative Societies Act, 1983.

4. Admittedly, as against the impugned award, the petitioners have an effective alternate remedy by filing an appeal under the provisions of the Tamil Nadu Co-operative Societies Act. Without exhausting that remedy, the petitioners cannot straight away approach this Court.

5. As rightly pointed out by the learned counsel for the respondent Society, this is the third round of litigation and on earlier occasion, the petitioners have approached the Appellate Tribunal. Hence, the Writ Petition is dismissed as not maintainable. However, liberty is granted to the petitioners to file an appeal before the Tribunal and the period during which the writ petition is pending before this Court i.e. from 3.8.2015 till the receipt of the copy of the order in this writ petition is received, the Tribunal may exclude said period for computing the period of limitation. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

True Copy सत्यमेव जयते

Sub Assistant Registrar

To

1. The Secretary
Government Servants House Sites
Distribution Society
Karthikeyan Salai, Chennai-600 082.

2 The Deputy Registrar of
Co-operative Societies (Housing)
Ramanathan Street,
T.Nagar, Chennai-600 017.

+1cc to Mr.V.Srinivasan, Advocate Sr.61490
+1cc to Mr.T.Sella Pandian, Advocate Sr.61499
+1cc to Mr.P.Anbarasan, Advocate Sr.61497
+1cc to The Government Pleader Sr.61741

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