

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.11.2015

CORAM

THE HON'BLE MR. JUSTICE T.S. SIVAGNANAM

W.P. Nos.33866 to 33868 of 2015
M.P.Nos. 1 and 2 of 2015

1. N.Devi ...Petitioner in W.P.No.33866 of 2015
2. P.Venkatesan ...Petitioner in W.P.No.33867 of 2015
3. C.Govindasamy ...Petitioner in W.P.No.33868 of 2015

Vs

1. The Joint Registrar of Cooperative Societies
Krishnagiri, Krishnagiri District
2. The Deputy Registrar of Cooperative Societies
Office of Deputy Registrar of Cooperative Societies,
Krishnagiri, Krishnagiri District
3. The Sale Officer / Field Officer,
Office of Deputy Registrar of Cooperative Societies,
Krishnagiri, Krishnagiri District
4. The President / Secretary,
Anchur Primary Agricultural Cooperative Credit Society Ltd,
Anchur Post, Krishnagiri District.
5. The Sub-Registrar,
Office of Sub Registrar (Registration)
Bargur,
Krishnagiri District ...Respondents in all WPs

Common Prayer:-

Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records of the impugned order of the second respondent in his Sur-Charge proceedings No.2/2002, Sa.Pa.1, dated 26.03.2008, and

quash the same as illegal.

For petitioners : Mr.R.Sreedharan
in all WPs

For Respondents 1 to 3 : Mr.L.P.Shanmugasundaram
in all WPs Special Government Pleader

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.R.Sreedharan, learned Counsel appearing for the petitioners and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, appearing for the respondents.

3.The petitioners seek for quashing the common order passed by the second respondent in his Sur-Charge proceedings No.2/2002, Sa.Pa.1, dated 26.03.2008.

4.When the learned counsel for the petitioners was asked to explain as to why the petitioner has approached this Court belatedly, it is stated that because attachment proceedings are going on, the petitioners have approached this Court at this juncture.

5. However, this is not reason to justify the conduct of the petitioner in approaching this Court in 2015, challenging the order passed in the year 2008. As rightly pointed out by the learned Special Government Pleader, the petitioners have efficacious alternative remedy of appeal under Section 152 of the Tamilnadu Co-operative Societies Act, whereby, the District Court is the appellate Court which can examine the correctness of the impugned order. Since the appellate form is the judicial form, there is no justifiable reason for the petitioners to bypass the alternative remedy, which is an efficacious and effective.

6. Accordingly, the Writ Petition is dismissed as not maintainable. However, it is open to the petitioners to file an appeal before the concerned District Court under Section 152 of the Tamilnadu Co-operative Societies Act, which shall be dealt

with in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Joint Registrar of Cooperative Societies
Krishnagiri, Krishnagiri District
2. The Deputy Registrar of Cooperative Societies
Office of Deputy Registrar of Cooperative Societies,
Krishnagiri, Krishnagiri District
3. The Sale Officer / Field Officer,
Office of Deputy Registrar of Cooperative Societies,
Krishnagiri, Krishnagiri District
4. The President / Secretary,
Anchur Primary Agricultural Cooperative Credit Society Ltd,
Anchur Post, Krishnagiri District.
5. The Sub-Registrar,
Office of Sub Registrar (Registration)
Bargur, Krishnagiri District

1 CC to Mr.L.P.Shanmugasundaram, Advocate SR.No. 60573

1 CC to Mr.R.Sreedharan, Advocate SR.No. 60618

1 CC to the Government Pleader, SR.No. 61196

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VD (CO)
PSI (07.12.2015)