

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.11911 OF 2016

AND WMP NO.10286 OF 2016

S.Kuppusamy

.. Petitioner

Versus

1.The Registrar of Cooperative Societies
NVN Natarasan Maaligai,
No.170, EVR Periyar High Road,
Kilpauk, Chennai - 600 010.

2.The Revision Authority /
Joint Registrar of Cooperative Societies
Dindigul Region
Dindigul - 624 001.

3.The Dindigul District Central Cooperative Bank Ltd.,
Rep. By its Managing Director
Cooperative Nagar,
Trichy Road, Dindigul - 624 004. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned orders passed by the 2nd respondent in his proceedings in Na.Ka.6372/2014/Sa.Pa dated 20.11.2014 and quash the same and consequently direct the 2nd respondent to take the Revision Application dated 20.10.2014 on file and decide the matter on merits and in accordance with law.

For Petitioner :Mr.R.Krishnamoorthy

For Respondents :Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

Heard Mr.R.Krishnamoorthy, learned counsel appearing for the petitioner and Mr.L.P.Shanmughasundaram, learned Special Government Pleader, who accepts notice for the respondents.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner has filed this writ petition seeking to quash the order passed by the second respondent, who is the revisional authority under the provisions of the Tamil Nadu Cooperative Societies Act, 1987. The petitioner filed a review petition against the order of punishment passed by the third respondent Management dated 30.12.2005. The review petition was barred by limitation, as it has been filed after a period of 3216 days. Therefore, the second respondent rejected the same, as being time barred. The petitioner would state that he has prayed for condonation of the delay.

4.After rectifying the defects, the fourth & fifth paragraphs of the order dated 31.03.2016, in the above Writ Petition reads as follows:

"4.It may be true that the period of limitation for filing review petitioner before the second respondent under section 153 of the Act is three months. However, the Act does not state that the authority cannot entertain a petition after the period of limitation. Therefore, the petitioner should be given opportunity to seek for condonation of the delay, by showing sufficient cause. If the revisional authority/second respondent is satisfied with the same, then he may pass appropriate orders. It is seen that the petitioner has filed a review petition along with condone delay petition, with a supporting affidavit, a copy of the same has been filed in the typed set of papers.

5.In the light of the above, the writ petition is allowed and the impugned order is set aside. The second respondent is directed to issue notice to the petitioner, as well as to the third respondent in the condone delay petition and after hearing the parties, examine as to whether sufficient cause has been shown

and then proceed to pass orders, on merits and in accordance with law, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed."

Sd/-
Assistant Registrar(CO)
Dated:13/04/2016

*Corrected as per order
of the Court dated 11/4/2016.

Sd/-
Assistant Registrar(CO)
Dated:13/04/2016

//True Copy//

To Sub Assistant Registrar

- 1.The Registrar of Cooperative Societies
NVN Natarasan Maaligai,
No.170, EVR Periyar High Road,
Kilpauk, Chennai - 600 010.
- 2.The Revision Authority /
Joint Registrar of Cooperative Societies
Dindigul Region
Dindigul - 624 001.
- 3.The Managing Director
Dindigul District Central Cooperative Bank Ltd.,
Cooperative Nagar,
Trichy Road, Dindigul - 624 004.

+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.20383

+ 1 cc to Mr.R.Krishnamoorthy, Advocate Sr 20035 (26/4/16)

msm[co]
srg 13/04/2016

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