

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.12359 OF 2016

AND WMP NO.10693 OF 2016

C.Sivasankar

.. Petitioner

Versus

The Joint Registrar of Cooperative Societies
Villupuram Region
Villupuram,
Villupuram District.

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of a Certiorari, to call for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.6636/2015/Sa.Pa, dated 01.03.2016 and quash the same.

For Petitioner :Mr.C.Prakasam

For Respondent :Mr.L.P.Shanmughasundaram
Special Government Pleader
Mr.R.Arumugam for the Intervenor

O R D E R

Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.L.P.Shanmughasundaram, learned Special Government Pleader for the respondent and Mr.R.Arumugam, learned counsel appearing for the intervenor, namely, the Director, V.Brammadesam Primary Agricultural Cooperative Credit Society, V.Brammadesam Village and Post, Vikravandi Taluk, Villupuram District.

2.The learned counsel for the petitioner vehemently contended that the impugned order is wholly untenable, as there is absolutely no allegation against the petitioner and he only found that the then Secretary and the Clerk of the Society have committed so many irregularities. Based on the petitioner's complaint, the property of the then Secretary was attached and action was initiated against him. However, the petitioner has been a victim and he has been removed from the post of President at the behest of other people, who want to capture the post of President.

3.Though the petitioner raised several factual contentions before this Court, as rightly contended by the learned counsel for the intervenor, in terms of Section 152(2) (v) of the Tamil Nadu Cooperative Societies Act, any person aggrieved by an order under Section 36(i) may appeal against such order. The limitation for filing such an appeal is sixty days. Therefore, the appeal remedy, being an efficacious alternative remedy provided under the statute, the petitioner has to necessarily exhaust the same. The contentions raised by the petitioner are on the merits of the case, which could very well be agitated before the appellate authority.

4.In the light of the above, the writ petition is not maintainable and the same stands dismissed. However, liberty is given to the petitioner to file an appeal against the impugned order.

5.At this juncture, the learned counsel for the petitioner submitted that in the event of the petitioner filing an appeal and praying for interim orders, the appellate authority may be directed to dispose of the stay petition at the first instance. The request made by the learned counsel for the petitioner is reasonable. Therefore, there will be a direction to the appellate authority, to dispose of the stay petition, if complete in all respects, within a period of four weeks from the date of filing of such appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

The Joint Registrar of Cooperative Societies
Villupuram Region
Villupuram,
Villupuram District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.20668
+1cc to the Government Pleader, S.R.No.20909

W.P.NO.12359 OF 2016

ev (CO)
srg (04/04/2016)