

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.40330 of 2016

and WMP No.34405 of 2016

P.Murugesan

...Petitioner

Vs

1.Joint Registrar,
Co-operative Societies,
Kancheepuram Zone,
Kancheepuram District.

2.Deputy Registrar,
Co-operative Societies,
Kancheepuram Zone,
Kancheepuram District.

3.Registrar,
Co-operative Societies,
Kilpauk,
Chennai - 600 010.

...

Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorarified mandamus calling for the records of the 1st respondent herein in Na.Ka.No.1738/2016/ (1) dated 31.10.2016 and quash the same and permit the petitioner to continue as a President of the G1708, Pitchivakkam Primary Agricultural Co-operative Thrift Society.

For Petitioner : Mr.P.Gurunathan

For Respondents: Mr.V.Selvaraj
Addl. Govt. Pleader (Co.op.)

O R D E R

The petitioner has challenged the disqualification order passed against him disqualifying as President of G1708, Pitchivakkam Primary Agricultural Co-operative Thrift Society.

2. The petitioner was disqualified for the alleged offences of unauthorised withdrawal and misusing the funds allotted for construction of a building to the tune of Rs.4,10,000/- which he has allegedly paid back to the co-operative society. As rightly pointed out by the learned Additional Government Pleader, against the impugned order, there is an alternate remedy available for the petitioner to file revision under Section 152 of the Co-operative Societies Act. Therefore, when an alternative remedy is available, the petitioner cannot rush to this court invoking Article 226 of the Constitution with a liberty to invoke Section 152 of the Co-operative Societies Act.

3. With the above observation, this writ petition is dismissed. However, the petitioner is given liberty to file revision before the competent authority, within a period of two (2) weeks from the date of receipt of a copy of this order. Till such time, the impugned order is directed to be kept in abeyance. No costs. Consequently, connected W.M.P is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Joint Registrar,
Co-operative Societies,
Kancheepuram Zone,
Kancheepuram District.

2.The Deputy Registrar,
Co-operative Societies,
Kancheepuram Zone,
Kancheepuram District.

3.The Registrar,
Co-operative Societies,
Kilpauk,
Chennai - 600 010.

+1cc to Mr.P. Gumuthan, Advocate, S.R.No.67396
+1cc to the Government Pleader, S.R.No.67063

nr(CO)
md(23/11/2016)

W.P. No.40330 of 2016



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