



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.19298 of 2016
and
W.M.P. (MD) No.13916 of 2016

S.Muthupandian : Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Chinnachokkikulam, Madurai - 625 002.
2. The Liquidator,
A.28, Madurai Urban Co-operative Bank (Liquidated),
Madurai - 1. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records on the file of the first respondent passed in Na.Ka.7206/2015 Sa.Pa. Dated 09.12.2015 as well as Na.Ka.3441/2016 Sa.Pa dated 11.08.2016, quash the same and pass such further or other orders.

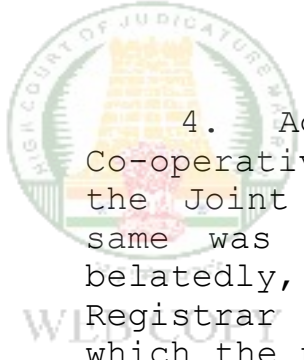
For Petitioner : Mr. V.O.S. Kalaiselvam
For R-1 : Mr.S.Chandra Sekar
Government Advocate

O R D E R

The Writ Petition has been filed by the petitioner for issuance of a Writ of Certiorari, to call for the records on the file of the first respondent passed in Na.Ka.7206/2015 Sa.Pa. Dated 09.12.2015 as well as Na.Ka.3441/2016 Sa.Pa dated 11.08.2016 and quash the same.

2.Heard, Mr.V.O.S. Kalaiselvam, learned counsel appearing for the petitioner as well as Mr.S.Chandra Sekar, learned Government Advocate appearing for the first respondent.

3. Mr.S.Chandra Sekar, learned Government Advocate takes notice for the first respondent. By consent, the Writ petition itself is taken up for final disposal.



4. Against the order passed under Section 139(2)(b) of the Co-operative Societies Act, the petitioner filed an appeal before the Joint Registrar of Co-operative Societies, Madurai and the same was rejected on the ground that the appeal was filed belatedly, as per the order passed by the first respondent/Joint Registrar in Na.Ka.7206/2015 Sa.Pa. Dated 09.12.2015. Against which the petitioner filed the Revision under Section 154 of Tamil Nadu Co-operative Societies Act before the first respondent and the same was also rejected on 11.08.2016, on the ground that there is no new ground raised by the petitioner in this Revision except the ground which was already raised in the appeal.

5. Considering the submissions of both the petitioner and the learned Government Advocate, I set aside both the orders and since the petitioner has to file appeal within 60 days, but there is a delay from 14.06.2009 to 27.11.2015 and the said delay has to be condoned and hence the first respondent is hereby directed to condone the delay and to pass appropriate orders on merits in accordance with law on the appeal dated 27.11.2015 filed by the petitioner within a period of three months from the date of receipt of a copy of this order, by giving opportunity of personal hearing to the petitioner.

6. With the above directions, the Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(Record)

/True Copy/

Sub Assistant Registrar

pmu
To

1. The Joint Registrar of Co-operative Societies,
Chinnachokkikulam, Madurai - 625 002.
2. The Liquidator,
A.28, Madurai Urban Co-operative Bank (Liquidated),
Madurai - 1.

+1cc to Mr.V.O.S.Kalaiselvam Advocate Sr.No. 60246
+1cc to Spl.Government Pleader Sr.No.60140

JAM/04.11.16/DB /2p-5c

ORDER MADE IN
W.P (MD) No.19298 of 2016
and
W.M.P. (MD) No.13916 of 2016
06.10.2016