

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.08.2017
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 31052 of 2014
and
M.P. Nos. 1/2014 and 1/2015

A. Muthu

... Petitioner

Vs.

1. The Registrar of Co-operative
Societies (Housing)
Anna Salai, Nandanam
Chennai - 600 035.

2. The Deputy Registrar of
Co-operative Societies
(Housing) Gandhi Nagar
Katpadi, Vellore
Vellore District.

3. The Secretary
C-1538 Katpadi Co-operative
Township Society.,
Gandhi Nagar
Vellore .

... Respondents

Prayer : This 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 1st respondent in his impugned order dated 11.11.2014 in Na.Ka. No. 4884/2014/Sa.Pa.2 and quash the same and to pass such further orders.

For Petitioner : Mr. S. Sairaman

For Respondents : Ms. T. Girija,

Government Advocate for R1 & R2

Mr. B. Nedunchezhiyan for R3

O R D E R

This Writ Petition is filed seeking to quash the order of the 1st respondent dated 11.11.2014 in Na.Ka. No. 4884/2014/Sa.Pa.2.

2. The learned counsel for the petitioner would submit that the petitioner is the elected President of the Katpadi Township Co-operative Society (Housing), Vellore. The petitioner was allotted with a piece of land measuring 360 sq.ft. for rent and the same was used by him by paying rent. Whiles, the 1st respondent issued a show cause notice dated 07.08.2014 under Section 35(1) of the Tamil Nadu Co-operative Societies Act 1983 to disqualify the petitioner from the post of President. Since no orders were passed on his explanation, the petitioner filed W.P. No. 30218 of 2014. Pending that writ petition, the 1st respondent passed orders on 11.11.2014, which is challenged in this writ petition.

3. According to the petitioner, the impugned order has been passed by the 1st respondent, without giving any opportunity to the petitioner, thereby violating the principles of natural justice.

4. The learned Government Advocate appearing for the respondents 1 and 2, would submit that the petitioner has approached this Court, without availing the remedy under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, by filing a revision petition. If the petitioner has any grievance, he can raise all the grounds before the revisional authority. Therefore, this writ petition is not maintainable.

5. Considering the submissions made by the learned counsel for the parties, this Court is of the view that as per the provisions laid under Section 153 of the Act, the petitioner has to file his revision before the Government. Hence, the petitioner is directed to file a revision petition, under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983, if so advised, within a period of four weeks from the date of receipt of a copy of this order and on receipt of such revision, the Government shall consider the same on merits, after providing an opportunity of hearing to the petitioner, in accordance with law, as expeditiously as possible, preferably within a period of three months thereafter. The revisional authority may consider the benefit of interim orders obtained by the petitioner, before this Court, while passing interim orders on his revision petition.

6. The writ petition is dismissed, with the above directions. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Registrar of Co-operative Societies (Housing)
Anna Salai, Nandanam
Chennai - 600 035.
2. The Deputy Registrar of Co-operative Societies (Housing) Gandhi Nagar
Katpadi, Vellore
Vellore District.
3. The Secretary
C-1538 Katpadi Co-operative Township Society.,
Gandhi Nagar
Vellore

+1 cc to the Govt Pleader sr 62425
+1 cc to M/s.S.Sairaman Advocate sr 61569

W.P. No. 31052 of 2014
and
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sai(co)
aa20/11/2017