

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.No.336 of 2017  
and  
C.M.P.No.5145 of 2017

1. The State of Tamil Nadu,  
Rep. by the Secretary to Government  
Co-operative Department,  
Fort St. George, Chennai-600 009.
  2. The Additional Registrar,  
Chennai Region,  
Tamil Nadu State Co-operative Societies,  
Teynampet, Chennai-600 018.
  3. The Deputy Registrar,  
Co-operative Societies (Loan)  
Kuralagam,  
Chennai-600 108. ... Appellants/Respondents 1 - 3
- Versus
- 1 K.S.Asiam,  
President,  
The Transport Employees Co-operative  
Thrift and Credit Society,  
No.10, Rathina Nagar,  
Teynampet, Chennai-600 018.
  - 2 The Managing Director,  
Chennai Central Co-operative Bank Ltd,  
2/5 Broadway, Chennai-600 108.
  - 3 The Cooperative Sub Registrar,  
The Transport Employees  
Co-operative Thrift and Credit Society,  
Rathina Nagar, Teynampet,  
Chennai-600 018. ... Respondents/Petitioner/  
Respondents 4 & 5

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 26.5.2016 passed in W.P.No.18208 of 2016 on the file of this court.

Prayer in Wp.No.18208/16:

The Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari and Mandamus to call for all relevant records relating to the impugned order issued in Na.Ka. No.1402/ 2016/ E2 dated 12.05.2016 on the file of second respondent herein and quash the same as arbitrary illegal and violation to the principles of natural justice and thereby directing the respondents to permit the petitioner to continue as the president of the State Transport Employees Cooperative Thrift and Credit Society till his tenure.

For appellants : Ms.T.Girija, Special Government Pleader

For R2 : Mr.P.Anbarasan

#### JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants and Mr.P.Anbarasan, learned counsel, who takes notice for the second respondent.

2. The writ appeal has been filed challenging the order of the learned Single Judge setting aside the impugned order wherein the first respondent-Society was abolished while directing the authority concerned to afford an opportunity of personal hearing to the writ petitioner.

3. It appears that in connection with the proceedings initiated against the first respondent herein, the writ petition was filed by the first respondent herein stating that no opportunity of personal hearing has been afforded. While entertaining the writ petition, the learned Single Judge, after going through the materials available on record, set aside the impugned order and directed the authority concerned to pass orders afresh after affording an opportunity of personal hearing to the writ petitioner.

4. Learned Special Government Pleader would submit that the petitioner had already filed an appeal under section 152 of the Tamil Nadu Co-operative Societies Act, 1983 and as such the writ petition is not maintainable and therefore, the question of affording personal hearing at this stage does not arise.

5. Be that as it may, ultimately, an order has been passed, by the learned Single Judge on the ground of principles of natural justice. Therefore, in modification of the order of the learned Single Judge, we hereby direct the petitioner to approach the authority concerned under section 152 of the Tamil Nadu Co-operative Societies Act and in turn, the authority concerned shall do the needful in accordance with law by following the principles of natural justice.

6. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Secretary to Government,  
State of Tamil Nadu,  
Co-Operative Department,  
Fort St.George,  
Chennai-9
2. The Additional Registrar,  
Chennai Region,  
Tamil Nadu State Co-Operative Societies,  
Teynampet, Chennai-600 018
3. The Deputy Registrar,  
Co-Operative Societies (Loan),  
Kuralagam, Chennai-600 108
4. The Managing Director  
Chennai Central Co-operative Bank Ltd,  
2/5, Broadway Chennai-600 108.

5. The Cooperative Sub Registrar,  
The Transport Employees  
Co-operative Thrift and Credit Society,  
Rathina Nagar, Teynampet, Chennai-600 018.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.23708  
+1cc to Mr.P.Anbarasan, Advocate, S.R.No.23251  
+1cc to the Government Pleader, S.R.No.23263

W.A.No.336 of 2017

SKV(CO)  
CS/20/06/17



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