

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23591 of 2017
and WMP.No.24734 of 2017

S.Babu

... Petitioner

Vs

1.The Joint Registrar of Co-operative Societies,
Collectorate Campus, Tiruvallur Region,
Tiruvallur -602 001, Tiruvallur District.

2.The Managing Director,
Tiruvallur Agricultural Producers,
Co-operative Marketing Society,
J.N.Road, Near Oil Mill,
Tiruvallur, Tiruvallur District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings A.Thi.Mu.2391/2017/A3, dated 05.07.2017 and quash the same and consequently direct the 1st respondent to entertain the Statutory Revision and dispose the same on merits within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operative Societies)

O R D E R

The Revision Petition preferred by the writ petitioner under Section 153 of Tamil Nadu Co-operative Societies Act was returned on the ground that the same was not preferred within a period of 90 days as prescribed in the Act.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner was employed in the post of packer and therefore, he is eligible to continue in service till he attains the age of 60 years. However, he had retired

from service prematurely on attaining the age of 58 years. In this regard, the writ petitioner preferred the revision petition under Section 153 of Tamil Nadu Co-operative Societies Act and the same was returned on the ground of delay.

3.This Court is of the opinion that this is a final opportunity to the writ petitioner to adjudicate the matter before the competent authority under the Act and in fact, it is a statutory revision provided under the Tamil Nadu Co-operative Societies Act. Thus, an opportunity under the Act to the writ petitioner is certainly important and on the ground of delay, the writ petitioner cannot be denied the opportunity to adjudicate the matter on merits.

4. In this view of the matter, the order impugned in this writ petition in A.Thi.Mu.2391/2017/A3, dated 05.07.2017 is quashed and the first respondent is directed to take the revision petition on file and decide the matter on merits and in accordance with law by passing an order within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. However, there is no order as to costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ms

To

1. The Joint Registrar of Co-operative Societies,
Collectorate Campus, Tiruvallur Region,
Tiruvallur -602 001, Tiruvallur District.
2. The Managing Director,
Tiruvallur Agricultural Producers,
Co-operative Marketing Society,
J.N.Road, Near Oil Mill,
Tiruvallur, Tiruvallur District.

+ 1 cc to M/s.L.P.Shanmugasundaram, Advocate,SR.63316
+ 1 cc to M/s.C.Prakasam, Advocate,SR.63120
+ 1 cc to The Govt.Pleader, SR.63334

W.P.No.23591 of 2017

MG (CO)
NR 15/09/2017