

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.7.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26028 of 2014
and
M.P.No.2 & 3 of 2014

1.A.T.HARIBASKAR
2.H.BANUREKA

... PETITIONERS

Vs.

1. THE REGISTRAR
TAMIL NADU CO OPERATIVE SOCIETIES
KILPAUK CHENNAI 600 010.
2. THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES
THIRUPPUR.
3. THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES
TIRUPPUR.
4. THE SUPERINTENDENT OF POLICE
CO OPERATIVE CRIME INVESTIGATION WING
CHENNAI.
5. THE DEPUTY SUPERINTENDENT OF POLICE
COOPERATIVE CRIME INVESTIGATION WING
COIMBATORE COIMBATORE DISTRICT.
6. THE INSPECTOR OF POLICE
CO OPERATIVE CRIME INVESTIGATION WING
COIMBATORE COIMBATORE DISTRICT.

... RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, calling for the records relating to the impugned proceedings of the 3rd respondent in Na.Ka. 657/2013/Vel dated 22.1.2014 and the consequent impugned order of the 3rd respondent in Na.Ka. No.145/2014/Sapa dated 11.7.2014 quash the same and consequently direct the respondents 1 to 3 herein to discharge the petitioners from the surcharge proceedings on par with the similarly placed members and so also forbearing the respondents 4 to 6 herein from initiating

criminal prosecution on the basis of impugned proceedings of 3rd respondent in Na.Ka.No.145/2014/Sapa dated 11.7.2014.

For Petitioner : Mr.M.Venkadeshnan

For Respondents : Mr.T.Girija,
Government Advocate

O R D E R

Petitioner has filed the writ petition challenging the impugned order, dated 11.7.2014 passed by the Deputy Registrar of Co-operative Societies, Tiruppur, third respondent herein raising various grounds before this Court.

2. The learned Additional Govt. Pleader would submit that in view of the provision under Section 152 of the Tamilnadu Co-operative Societies Act, the writ petitioner has to file an appeal before the tribunal. Without exhausting the remedy available under the said Act, the petitioner has filed the present writ petition and the same is liable to be dismissed.

3. The learned counsel for the petitioner seeks time to file an appeal under the said Act and till such time the respondent shall not initiate any recovery proceedings against the petitioner.

4. In view of the submission made by the counsel for the parties, this Court is not inclined to entertain the writ petition, since there is efficacious alternative remedy available under Section 152 of the Tamil Nadu Co-operative Societies Act. However, liberty is granted to the petitioner to file an appeal before the tribunal within a period of four weeks from the date of receipt of copy of this order. Till such period, the respondent shall not initiate any recovery proceedings against the petitioner.

The writ petition is dismissed with the above directions. No costs. Consequently, M.P.No.2 & 3 of 2014 are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. THE REGISTRAR
TAMIL NADU CO OPERATIVE SOCIETIES
KILPAUK CHENNAI 600 010.
2. THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES
THIRUPPUR.
3. THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES
TIRUPPUR.
4. THE SUPERINTENDENT OF POLICE
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COIMBATORE COIMBATORE DISTRICT.
6. THE INSPECTOR OF POLICE
CO OPERATIVE CRIME INVESTIGATION WING
COIMBATORE COIMBATORE DISTRICT.

+1cc to Mr.Venkadeshnan, Advocate, S.R.No.48298
+1cc to the Government Pleader, S.R.No.48806

W.P.No.26028 of 2014
and
M.P.Nos.2 & 3 of 2014

CP(CO)
CA(26/07/2017)

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