

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9876 of 2010

and

MP No.1 of 2010

N.Senthilkumar

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai- 600 010.
 2. The Deputy Registrar of Co-operative Societies,
Dharmapuri.
 3. The Special Officer,
No.DD-9, The Uthangarai Agricultural Producers
Co-operative and Marketing Society Limited,
Uthangarai, Krishnagiri District.
- ... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order dated 27.04.2010 passed by the 3rd respondent herein and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents 2 and 3 to accept the petitioner's claim for payment of the entire due as on 31.10.2009 with interest at the rate of 6% per annum as per the judgment of this Court reported in 2010-1-LW-499.

For Petitioner : Mr.C.Veeraraghavan

For Respondents : Mr.V.Selvaraj,
Additional Government Pleader
for R1 and R2
Mr.S.Sivashanmugam for R3

ORDER

This Writ Petition is filed seeking to quash the order dated 27.04.2010 passed by the 3rd respondent and direct the respondents 2 and 3 to accept the claim of the petitioner for payment of the entire due as on 31.10.2009 with interest at the

rate of 6% per annum as per the judgement of this Court reported in 2010-1-LW-499.

2. The learned counsel for the petitioner submitted that the petitioner owning a cotton mill purchases raw cotton from the third respondent society. Due to the loss in the business and since there was a dispute in calculation of interest between the petitioner and third respondent society, the petitioner could not repay the dues in time. While so, the first respondent issued circular No.31/2009 dated 14.10.2010 introducing One Time Settlement scheme. Pursuant to the same, the petitioner entered into an agreement to pay a sum of Rs.4,10,000/- on 31.12.2009 being 25% of the total outstanding and to pay the remaining amount subsequently. Based on the order passed by this Court in W.P. No.1928 of 2007, the petitioner submitted a representation dated 11.02.2010 praying to revise the rate of interest at 6%. Since, no order was passed on his representation, the petitioner filed W.P. No.4912 of 2010. Pursuant to the order of this Court dated 11.02.2010, the third respondent passed the order rejecting the representation of the petitioner. Aggrieved by the said order, the petitioner has filed the present Writ Petition.

3. The learned counsel for the respondents would submit that the present writ petition is not maintainable in the light of the Full Bench Judgment of this Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689. It is further submitted that the petitioner having an efficacious alternative remedy under Section 135 of the Tamil Nadu Cooperative Societies Rules, 1988 should approach the concerned authority to file an objection or claim instead of approaching this Court. Hence, the writ petition is liable to be dismissed, as not maintainable.

4. Considering the above submissions made by the learned counsel for the respondents and the decision cited supra, this court is not inclined to entertain the prayer of the petitioner and hence, the writ petition is dismissed as not maintainable. However, liberty is granted to the petitioner to approach the respondent society, if so advised.

5. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rkp/avr

To

1. The Registrar of Co-operative Societies,
Kilpauk,
Chennai- 600 010.
2. The Deputy Registrar of Co-operative Societies,
Dharmapuri.
3. The Special Officer,
No.DD-9, The Uthangarai Agricultural Producers
Co-operative and Marketing Society Limited,
Uthangarai, Krishnagiri District.

+lcc to Mr.S.Sivashanmugam, Advocate, S.R.No.55781
+lcc to Mr.C.Veeraraghavan, Advocate, S.R.No.55441
+lcc to the Government Pleader, S.R.No.53672

W.P.No.9876 of 2010
and
M.P.No.1 of 2010

SV(CO)
CA(29/08/2017)



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