

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.29722 of 2014 and
MP.No.2 of 2014 &
WMP.No.8638 of 2017

G.Ganesan

..Petitioner

Vs.

1. The Registrar of Cooperative Societies,
NVN, Maaligai, No.170, EVR Periyar Salai,
Kilpauk, Chennai - 600 010
2. The Deputy Registrar of
Cooperative Societies,
No.7, Ramalingam Street,
Dharmapuri
3. The President,
123, Adhikarapatti Primary Agricultural
Cooperative Credit Society Ltd.,
Adhikarapatti Village,
Pappireddipatti Taluk,
Dharmapuri District

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the proceedings of the second respondent dated 10.07.2001 made in Na.Ka.6968 of 1997, Sa.Pa.2 and to quash the same.

For petitioner : M/s.AL.Ganthimathi

For Respondents : Mrs.T.Girija,
Government Advocate for R1 & 2

: Mr.L.P.Shanmuga Sundaram,
Special Government Pleader for R3

ORDER:

According to the petitioner, the petitioner was working as Secretary, in the third respondent society from 1989. While being so, the second respondent under proceedings dated 19.11.1996 initiated an enquiry in respect of misappropriation of society fund and on the basis of the enquiry report, lodged a police complaint against the petitioner and two others and a criminal case is pending, before the concerned criminal court. Pending the case, the petitioner has remitted the amount alleged to have misappropriated, but the second respondent has initiated parallel proceedings and passed an award dated 10.07.2001 by fixing liability upon the petitioner and the said two others. Even the petitioner has not been given an opportunity to put forth his contention that he has already paid the amount. Hence, the petitioner has filed the present writ petition before this Court.

2. The learned counsel for the petitioner would submit that the award has been passed under Section 87 of the said Act, without following the procedures as contemplated under the said Act. Further, the respondent has not completed the proceedings within a period of six months. Therefore, the impugned order passed by the respondent is beyond six months and therefore, the proceedings is barred by limitation. Hence, the petitioner has filed the writ petition before this Court on raising the other grounds also.

3. The learned Government Advocate would submit that under Section 152 of the Tamil Nadu Cooperative Societies Act, 1983, the petitioner has to file an appeal before the authority concerned. Without exhausting the said remedy, filing the writ petition before this Court is not maintainable and the same is liable to be dismissed.

4. In view of the submissions made by the learned Government Advocate, the writ petition is dismissed as not maintainable. However, liberty is granted to the petitioner to file an appeal before the authority concerned, if so advised, within a period of six weeks from the date of receipt of a copy of this Order. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

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To

1. The Registrar of Cooperative Societies,
NVN, Maaligai, No.170, EVR Periyar Salai,
Kilpauk, Chennai - 600 010

+2 C.C. to M/s.AL.Ganthimathi Advocate SR.No. 69050, 68820
+1 C.C. to M/S. Government Pleader SR.No. 69406

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T.R (15/11/2017)



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