

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.40452 of 2015
and
M.P.No.1 of 2015

M.Nagalingam

... Petitioner

- Vs -

1. Deputy Registrar of Co-operative Societies,
Tiruvavur (PO) & (Dt.)
 2. Principal District and Sessions Judge,
Tiruvavur (PO) & (Dt.)
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the first respondent relating to his order Na.Ka.No.3919/2008 Ku.Na. Dated 27.07.2009 and of the second respondent relating to the order Co-operative C.M.A.No.19/2009 dated 04.09.2015 and quash both the orders and also pass such further or other orders as may be considered necessary in the circumstances of the case.

For Petitioner : Mr.P.Anbarasan
For R1 : Mrs.T.Girija, Govt.Advocate
For R2 : Court

सत्यमेव जयते
O R D E R

The learned Special Government Pleader would fairly submit that the present writ petition is squarely covered by the decision of this Court in W.P.No.33003 of 2015 and batch, wherein this Court has held that the petitioner has not impleaded the Special Officer as a party in the suit, since this Court suo-motu impleaded the Special Officer as a party and remanded the matter to the Appellate Court, to decide the appeal.

2. In view of the above, this Court has no hesitation to set aside the judgment and decree passed by the Appellate Tribunal

in C.M.A.No.19/2009 and the matter is remanded back to the Tribunal and suo-motu to implead the Kodavasal Cooperative Primary Agriculture and Rural Development Bank Ltd., Kodavasal as a party respondent in the appeal. The Tribunal shall consider and pass orders within a period of six months from the date of receipt of a copy of this order, after affording opportunity to the parties concerned.

3. In the result, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssn

To

1. Deputy Registrar of Co-operative Societies,
Tiruvarur (PO) & (Dt.)
2. Principal District and Sessions Judge,
Tiruvarur (PO) & (Dt.)

+lcc to Mr.P.Anbarasan, Advocate, S.R.No.69038
+lcc to the Government Pleader, S.R.No.70105

W.P.No.40452 of 2015
and
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MN(CO)
CS/01/11/17

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