

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.8.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.13813 of 2012
and
M.P.No.2 of 2012

S.MANOCHARAN

... PETITIONER

Vs.

1. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
NAGAPATTINAM CIRCLE,
NAGAPATTINAM.
2. THE SPECIAL OFFICER,
Z.A.78, VENKIDANAGAL PRIMARY AGRICULTURAL
CO-OP. CREDIT SOCIETY,
VENKIDANGAL, OKKUR POST,
KILVELUR TALUK,
NAGAPATTINAM DISTRICT.

... RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings in ARC No.247/2011-12, dated 2.2.2012 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent No.1 : Mr.V.Selvaraj,
Additional Government Pleader

For Respondent No.2 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

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O R D E R

According to the petitioner, the petitioner was working as Secretary of the second respondent Society. The second respondent passed an award under Section 90 of the Tamilnadu Co-op. Societies Act without providing an opportunity to the petitioner. The copy of the said award has been received by the petitioner on 5.5.2012. The petitioner has challenged the said award before this Court on the ground that the said award passed by the first respondent is a cryptic order and the same was passed mechanically without following the procedure as

contemplated under the Act. Therefore, the impugned order is liable to be quashed.

2. The learned Special Government Pleader would fairly submit that the award has been passed without giving opportunity to the petitioner and therefore, the same may be remitted back to the first respondent to consider the matter afresh.

3. In view of the submission made by the counsel for the parties, on perusal of the award, the first respondent has passed the order without following the procedure as contemplated under the provisions of the Tamilnadu Cooperative Societies Act. The said order is a cryptic, non speaking order and mechanically passed. Therefore, this court have no hesitation to set aside the award passed by the first respondent. The impugned order passed by the first respondent is quashed.

4. In view of the foregoings, the writ petition is allowed and remanded to the first respondent to consider the matter afresh and pass appropriate orders on merit and in accordance with law.

The writ petition is allowed on the above terms. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vaan

To

1. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
NAGAPATTINAM CIRCLE, सत्यमेव जयते
NAGAPATTINAM.

2. THE SPECIAL OFFICER,
Z.A.78, VENKIDANAGAL PRIMARY AGRICULTURAL
CO-OP. CREDIT SOCIETY,
VENKIDANGAL, OKKUR POST,
KILVELUR TALUK,
NAGAPATTINAM DISTRICT.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.60810

+lcc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.62291

+lcc to the Government Pleader, S.R.No.61111

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and M.P.No.2 of 2012

PA (CO)

CA (11/09/2017)

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