

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.30139 of 2016
and
W.M.P.No.8439 of 2017

E.Manoharan

... Petitioner

- Vs -

1. Additional Registrar of Co-operative Societies,
Chennai Region,
91, St.Marys Road,
TANFED Building 3rd Floor,
Abhiramapuram,
Chennai-600 018.

2. The Registrar of Co-operative Societies,
N.V.N.Malligai,
No.170, Periyar EVR Road,
Chetpet,
Chennai-600 010.

3. The Deputy Registrar of Co-operative
Societies (Credit),
Kuralagam Building, 2nd Floor,
Chennai-600 108.

4. P.Antony
Ex.President
Social Welfare Department Employees
Co-operative Thrift and Credit Society
Present Address:
Superintendent,
O/o. Commissionerate of Integrated Child
Development Scheme
Taramani, Chennai.

5.M.Siddaiah Babu
Co-operative Sub-Registrar/Ex-Administrator
Social Welfare Department Employees
Co-operative Thrift and Credit Society
Present Address:
Co-operative Sub-Registrar
O/o. Deputy Registrar of Co-operative Societies
(Housing),
No.18, Ramanathan Street,
T.Nagar, Chennai-600 017.

6. A.Uthiresan
Secretary
Social Welfare Department Employees
Co-operative Thrift and Credit Society Ltd.,
Chepauk, Chennai-600 005.

7. C.Pandiyar
Assistant
Social Welfare Department Employees
Co-operative Thrift and Credit Society Ltd.,
Chepauk, Chennai-600 005. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in Proceedings Rc.5677/2014/C2 dated 24.02.2016, quash the same and direct the 1st respondent to sanction prosecution against 4th to 7th respondents for the offence they have committed.

For Petitioner : Mr.R.Jeyaram

For Respondents 1 to 3 : Ms.T.Girija (Govt.Advocate)

For R6 : Mr.L.Chandrakumar

For R4, R5 and R7 : No Appearance

O R D E R

Challenging the impugned order dated 24.02.2016, passed by the 1st respondent, the petitioner has filed this writ petition before this Court under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus. In the aforesaid order, the 1st respondent has come to a conclusion that to sanction the prosecution under Section 164(3) of the Tamil Nadu Co-operative Societies Act, 1983 against the respondents 4 to 7 for the alleged offences punishable under Section 157(2) of the Tamil Nadu Co-operative Societies Act, merits no consideration. It is the admitted fact that the petitioner also made a representation to the Secretary to Government, Government

of Tamil Nadu, Cooperation, Food and Consumer Protection Department, Fort St.George, Chennai-600 009, dated 03.05.2016, apart from sending a representation to the 2nd respondent on 25.04.2016, by raising various grounds in the said representations.

2. Pursuant to the said representations, the petitioner has received the communications dated 20.05.2016 and 15.09.2016, from the Additional Registrar (Marketing, Planning and Development) Full Additional Charge, O/o. Registrar of Co-operative Societies, Chennai-10, by which, the representations of the petitioners were returned, by informing that if the petitioner is aggrieved by the order of the Additional Registrar, Chennai Region, he can approach the Registrar of Co-operative Societies or the Government by filing revision petition under Section 153 of the Act. The said communications were placed before this Court and the arguments also advanced by the learned counsel for the petitioner.

3. In the light of the above facts and circumstances, the petitioner is permitted to file a revision petition before the revisional authority, viz., Secretary to Government, Government of Tamil Nadu, Cooperation, Food and Consumer Protection Department, Fort St.George, Chennai-600 009, within a period of two weeks from the date of receipt of a copy of this order, if he is so advised. On receipt of the said revision petition, the Secretary to Government, is directed to dispose of the said petition after providing opportunities to the parties concerned, in accordance with law as expeditiously as possible.

4. With the above direction, this writ petition is disposed of. No costs. In view of the disposal of the writ petition, there is no need to pass any orders in impleading petition. Hence, connected writ miscellaneous petition in W.M.P.No.8439 of 2017 is closed.

5. Office is directed to return the original impugned order to the learned counsel for the petitioner, after obtaining certified copy of the same.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssn

To

1. Additional Registrar of Co-operative Societies,
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Abhiramapuram,
Chennai-600 018.

2. The Registrar of Co-operative Societies,
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No.170, Periyar EVR Road,
Chetpet,
Chennai-600 010.

3. The Deputy Registrar of Co-operative
Societies (Credit),
Kuralagam Building, 2nd Floor,
Chennai-600 108.

4.The Sub Assistant Registrar
Writ Section High Court Madras

+2 ccs to Mr.R.Jayaram Advocate sr 43422

+1 cc to Government Pleader sr 43445

+1 cc to Mr.L.Chandrakumar Advocate sr 43587

W.P.No.30139 of 2016
and
W.M.P.No.8439 of 2017

vgII(co)
aa04/07/2017

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