

IN THE H IGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2017

CORAM

The Hon'ble Mr. Justice D.Krishnakumar

WP No.5910 of 2016

and

W.M.P.Nos.5262 to 5264 of 2010

K. Kuppusamy

... Petitioner

Vs.

1. The Assistant Director of Fisheries Department,
Nagapattinam.
2. The Special Officer,
Fisheries Co-operative Department,
Naazhuvethapathi,
Nagapattinam.
3. The District Collector,
Nagapattinam District,
Nagapattinam.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari and Mandamus to call for the records of the impugned order of the first respondent, in Na.Ka.No.992/A4/2000, dated 17.04.2003, imposing penalty of Rs.31,500.80, and the consequential order passed by the first respondent, in Na.Ka.No.2603/A4/2012, dated 26.03.2013, so far as concerned the non-inclusion of the petitioner's name in the voters list and removal of the name of the petitioner from membership of Z.999 Marine Fishermen Co-operative Society, Naluvethapathi and to quash the same and consequently, to direct the respondents to include his name in the Marine Fishermen Voters list of the said Society in Vedharanyam Circle and thereby, enable the petitioner to vote and contest the election held in future.

For Petitioner : M/s. S.T.P. Kuilmozhi
For Respondents : Mr. M. Dig Vijaya Pandian
Additional Government Pleader

O R D E R

Heard M/s. S.T.P. Kuilmozhi, the learned counsel appearing for the petitioner and Mr. M. Dig Vijaya Pandian, the

learned Additional Government Pleader appearing for the respondents.

2. In this Writ Petition, the petitioner challenges the orders passed by the first respondent/Assistant Director of Fisheries Department, dated 17.04.2003 and 26.03.2013, and seeks for a consequential direction on the respondents to include his name in the Marine Fishermen Voters list of the Marine Fishermen Co-operative Society, Naluvethapathi, in Vedharanyam Circle, and thereby, enabling him to vote and contest the election held in future.

3. When the matter came up for hearing today, the learned Additional Government Pleader would submit that, against the impugned orders, the Writ Petition is not maintainable, as the petitioner has an alternate remedy of filing Revision Petition under Section 152 of the Tamil Nadu Co-operative Societies Act, and without exhausting the said remedy, the petitioner has straightaway approached this Court, by way of this Writ Petition seeking to quash the impugned orders.

4. In view of the submission made by the learned Additional Government Pleader, the learned counsel appearing for the petitioner seeks liberty of this Court to file a Revision Petition under Section 152 of the Tamil Nadu Co-operative Societies Act against the impugned orders.

5. In the light of the submissions made on either side, coupled with the fact that the petitioner has an effective and efficacious remedy of filing Revision Petition against the orders impugned herein, this Writ Petition is dismissed with liberty to the petitioner to file a Revision Petition under Section 152 of the Tamil Nadu Co-operative Societies Act before the Revisional Authority, if so advised. If such Revision Petition is filed, the Revisional Authority shall exclude the period from the date of filing of this Writ Petition, i.e., 15.02.2016 and till the date of issuance of a certified copy of this order, for the purpose of computing the limitation. No costs. Consequently connected Writ Miscellaneous Petition are closed.

sd

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

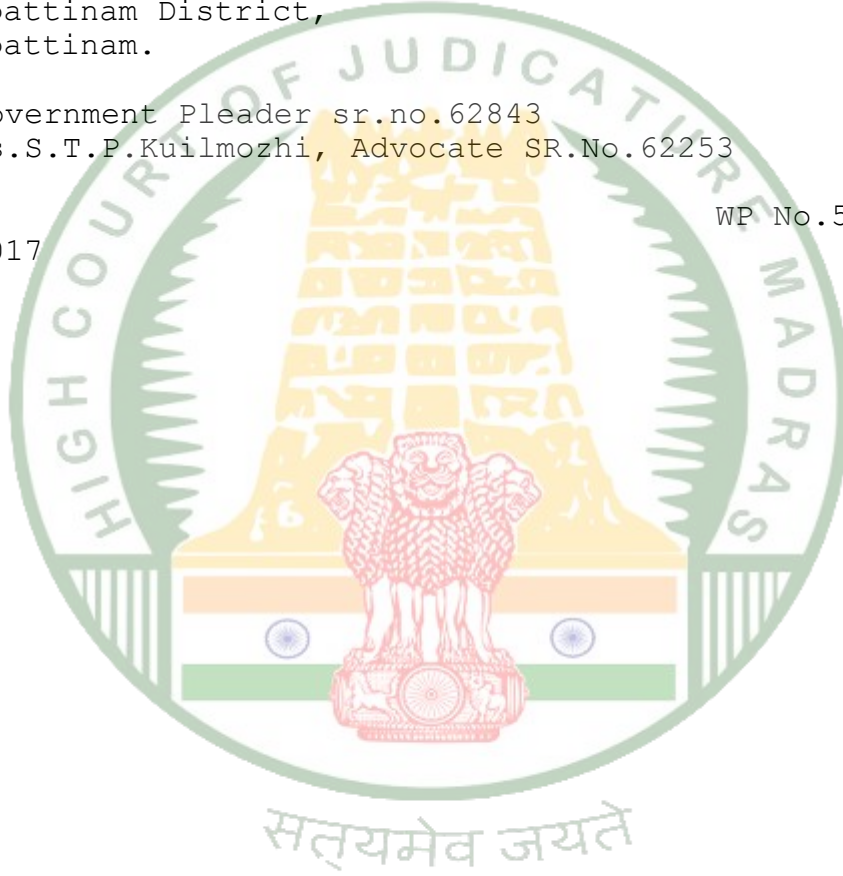
1. The Assistant Director of Fisheries Department,
Nagapattinam.
2. The Special Officer,
Fisheries Co-operative Department,
Naazhuvudhapathi,
Nagapattinam.
3. The District Collector
Nagapattinam District,
Nagapattinam.

+1cc to Government Pleader sr.no.62843

+1cc to Ms.S.T.P.Kuilmozhi, Advocate SR.No.62253

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sm:8.12.2017



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