

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.38092 of 2003

and

W.M.P. Nos.1379,1381,46247 of 2003

1.M.Radhakrishnan
2.M.Nandakumar
3.M.Chellammal

...Petitioners

versus

1. Deputy Registrar of
Co-operative Societies/Arbitrator,
Gobichettipalayam.
2. The Secretary,
Gobichettipalayam Co-operative
Urban Bank Limited, Gobichettipalayam.

...Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 1st respondent made in his proceedings ARC.No.50/2003/A dated 10.11.2003 and quash the same.

For Petitioners : Mr.N.Umapathi
For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op)

सतगमेव जयते
O R D E R

The present Writ Petition is filed challenging the order passed by the first respondent in proceedings dated 10.11.2003, under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. The dispute raised with regard to the Co-operative Societies shall be adjudicated by the Deputy Registrar of the Co-operative Societies under Section 90 of the said Act.

2. Accordingly, the first respondent passed a final order under Section 90 of the said Act. The Order passed under Section 90 of the said Act is an appealable Order under Section 152 of the Tamil Nadu Co-operative Societies Act. Section 152 (1) (b) contemplates that an order passed under Section 90 of the said

Act is an appealable order under Section 152 of the Co-operative Tribunal which is constituted for the purpose of deciding the appeal filed under Section 152 of the Tamil Nadu Co-operative Societies Act. When the statutory appeal is provided under the Act, this Court is not inclined to consider the merits and demerits of the case in this Writ Petition. The Writ Petition is not maintainable in view of the fact that Section 152 of the Tamil Nadu Co-operative Societies provides an appeal against the order passed under Section 90 of the Tamil Nadu Co-operative Societies Act. Therefore, the Writ Petitioners are granted liberty to approach the Co-operative Tribunal for preferring an appeal under Section 152 of Tamil Nadu Co-operative Societies Act and in respect of delay, a petition for condoning the same also shall be filed and the Co-operative Tribunal may consider the application in accordance with law.

With these observations, the Writ Petition is dismissed as not maintainable. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gv/rkp

To

1. Deputy Registrar of
Co-operative Societies/Arbitrator,
Gobichettipalayam.
2. The Secretary,
Gobichettipalayam Co-operative
Urban Bank Limited,
Gobichettipalayam.

+1cc to the Government Pleader, High Court, Madras Sr. 37034

W.P.No.38092 of 2003

and

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SS (CO)
VR (06/06/2017)