



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN**W.P(MD) No.11328 of 2016****and****W.M.P(MD) Nos.8684, 8685 of 2016**

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1. Gopalakrishnan
2. Sek Barieth
3. Chinnappar
4. Krishnamoorthy
5. Mohammed Gouse
6. Pappayee
7. Daniel Mark William
8. Sikkandar Beebi
9. Nagammal
10. Vijayarani
11. Sudhakar

... Petitioners

Vs.

1. The Registrar of Co-operative Societies (Housing)
Tamil Nadu Housing Board Office Campus,
Annasalai,
Thenampettai,
Chennai.
2. The Deputy Registrar of Co-operative Societies Housing,
Plot No. 28, K.K.Nagar,
Madurai - 20.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records from the first respondent relating to the impugned order passed by the first Respondent made in Na.Ka.No.7637/2014/Sa.Pa.No.2, dated 20.04.2016 and quash the same as illegal.

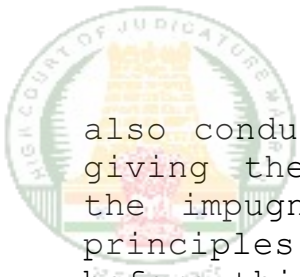
For Petitioners : Mr.M.E.Elango
For R.1 & R.2 : Mr.M.Alagathevan,
Special Government Pleader

ORDER

This writ petition has been filed, seeking to quash the impugned order dated 20.04.2016, passed by the first Respondent.

2. Heard the learned Counsel appearing on either side.

3. The case of the petitioner is that the petitioners are the Board Members of the Housing Society and they were charged with the allegations of misappropriation and misuse of Official powers. Subsequently, notice was issued to them and enquiry was



also conducted. The petitioners sought for the enquiry report for giving their explanation, but without providing an opportunity, the impugned order was passed, which is in gross violation of principles of natural justice and hence, the petitioners are before this Court with the above relief.

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4. At this juncture, the learned Special Government Pleader appearing for the respondents would submit that the petitioners, without exhausting the appeal remedy as provided under relevant provision of the Act, has straightaway approached this Court and therefore, this petition is not maintainable before this Court.

5. In reply to the above, the learned Counsel for the petitioners has submitted that the petitioners may be permitted to file an appeal and the same may be directed to be considered without reference to the limitation aspect.

6. In view of the above submissions, this writ petition is disposed of, permitting the petitioners to file an appeal before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order and if any such appeal being filed, the same shall be entertained without raising any objection with regard to limitation and considered on merits and in accordance with law, after affording an opportunity of hearing to the petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To:

1. The Registrar of Co-operative Societies (Housing)
Tamil Nadu Housing Board Office Campus,
Annasalai,
Thenampettai,
Chennai.
2. The Deputy Registrar of Co-operative Societies Housing,
Plot No. 28, K.K.Nagar,
Madurai - 20.

+1cc to Mr.M.E.Elango, Advocate Sr.No.84140

RM

VB/JC/SAR1/10/11/2017/2P/4C