



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2017

CORAM:

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THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.[MD].No.373 of 2017
and
C.M.P.[MD].Nos.3397 of 2017

K.Thanushkodi, : Appellant

Vs.

1. The Registrar of Co-operative Societies,
No.170, Periyar E.V.R. High Road,
Kilpauk, Chennai-600 010.
2. The President,
A.2096, J.Mallapuram Primary Agricultural
Co-operative Credit Society,
Mallapuram Post, Peraiyur Taluk,
Madurai District-625 535.
3. The Secretary,
A.2096, J.Mallapuram Primary Agricultural
Co-operative Credit Society,
Mallapuram Post, Peraiyur Taluk,
Madurai District-625 535.

4. The Joint Registrar,
Co-operative Societies,
Madurai. : Respondents

(R4 Suo moto Impleaded as per the order of the Court Dated:
12/04/2017)

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 30.01.2017 made in W.P.(MD).No.1406 of 2017, on the file of this Court.

Prayer in WP(MD). 1406/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records on the file of the 2nd respondent in connection with the impugned order of suspension



passed by him in his proceedings No. Nil dated Nil and quash the same as illegal and arbitrary.

For Appellant : Mr.G.Thalaimutharasu,
For Respondents : Mr.V.Muruganantham,
Additional Government Pleader.

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JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.G.Thalaimutharasu, learned counsel appearing for the appellant and Mr.V.Muruganantham, learned Additional Government Pleader, who appears and accepts notice for the respondents.

2. This Writ Appeal is directed as against the order dated 30.01.2017 made in W.P.(MD).No. 1406 of 2017.

3. The Writ Petition filed by the appellant herein was dismissed. In the Writ Petition, the appellant challenged the order of suspension, dated nil. The Writ Court, after referring to the decision of the Larger Bench of this Court in K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal, reported in 2006(4) CTC 689, dismissed the Writ Petition, directing the appellant to approach the authorities under the Tamil Nadu Co-operative Societies Act, 1983.

4. The contention raised by the appellant is that as per Clause 15 of the proceedings of the first respondent, dated 09.02.2016, prior permission of the Joint Registrar of Co-operative Societies is mandatory, before initiating disciplinary action/suspension. Further, by referring to Section 76(b) of the Tamil Nadu Co-operative Societies Act, 1983, the learned counsel for the appellant submitted that the order should specify the period of suspension and in support of such contention, reliance was placed on the decision of this Court in the case of M.Kalidoss Vs. Registrar of Co-operative Societies, reported in 2004 WLR 42.

5. We are in agreement with the contention raised by learned counsel for the appellant that the decision of the Larger Bench of this Court in K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal, reported in 2006(4) CTC 689, cannot be applied to the facts of the present case, since the appellant challenges the order of suspension, as being violative of statutory provision and the circular issued by the Registrar of Co-operative Societies, dated 09.02.2016, which has statutory force. Therefore, we are inclined to entertain the present Writ Appeal. However, we do not propose to interfere with the order of suspension, in the light of the fact that the appellant has filed <https://hcrs.courts.gov.in/services/Default.aspx> before the Joint Registrar of Co-operative Societies. Since the Joint Registrar of Co-operative Societies has not been impleaded as a party in the Writ Appeal, we suo motu



implead the Joint Registrar of Co-operative Societies, Madurai as the fourth respondent in the present Writ Appeal.

6. In the light of the above, the Writ Appeal stands disposed of in the following terms:-

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- The fourth respondent herein, the Joint Registrar of Co-operative Society, Madurai, is directed to consider the Review Petition dated 31.01.2017, filed under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 and pass appropriate orders on merits and in accordance with law, within a period of ten days from the date of receipt of a copy of this Judgment.
- This time limit has been prescribed, as the appellant is to attain the age of superannuation during first week of May 2017.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar of Co-operative Societies,
No.170, Periyar E.V.R. High Road,
Kilpauk, Chennai-600 010.

2. The Joint Registrar,
Co-operative Societies, Madurai.

+1cc to Special Government Pleader, SR.No.51992

+1cc to M/S.G.Thalaimutharasu, Advocate SR.No.52116

JUDGMENT MADE IN
W.A. [MD].No.373 of 2017
and
C.M.P. [MD].Nos.3397 of 2017
12.04.2017