

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.4641 of 2018

K.Perumal

.. Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Villupuram Zone,
Villupuram.

2. The Management,
Ongur Primary Agriculture
Co-operative Credit Society,
Ongur Village and post,
Tindivanam Taluk,
Villupuram District.

.. Respondents

Writ petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to call for the concerned records from the 1st respondent, quash the order of the 1st respondent dated 25.10.2017 bearing A.Thi.mu.No.5332/2017/SaPa and consequently direct the 1st respondent to entertain the Revision Petition dated 05.10.2017 preferred by the petitioner preferred under Section 153 of the Tamil Nadu Co-operative Societies Act and pass orders on the same on its merits and in accordance with law within the time framed stipulated by this Court.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader

W R I T
O R D E R

The present writ petition is filed challenging the order of the first respondent in rejecting the revision filed by the petitioner only on the ground that the same was filed beyond the period of limitation contemplated under Section 153(1) of the Tamil Nadu Co-operative Societies Act, 1983.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice of the respondents and by consent of the

parties, the main writ petition is taken up for final disposal in view of the fact that the issue involved in this writ petition is squarely covered by the decision rendered by this Court reported in 2012(4) CTC 257 (N.P.Palanisamy vs. State of Tamil Nadu).

3. It is stated by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents that this Court, in the above said decision, has found that the limitation period referred under Section 153 of the said Act is only directory and not mandatory and thus, observed that the revision filed beyond the period of 90 days can be entertained. Therefore, it is submitted by both sides that the impugned order may be set aside and the matter may be remitted back to the 1st respondent to consider the revision on merits and in accordance with law.

4. Perusal of the said order passed by this Court would show that the reason stated in the impugned order is against the observation made in the said order with regard to the period of limitation. Thus, by applying the said decision, the writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the 1st respondent for considering the revision filed by the petitioner on merits and pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any view on the merits of the revision, as it is for the 1st respondent to consider and decide. No costs.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

vsi

To

1. The Joint Registrar of Co-operative Societies,
Villupuram Zone,
Villupuram.

+1cc to Mr.Balan Haridas, Advocate SR.No.15806

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.16224

W.P.No.4641 of 2018

SSI(CO)
GN(09/03/2018)