

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2018

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

CIVIL REVISION PETITION (PD) No.810 of 2018
and C.M.P.No.4472 of 2018

T.Krishnamoorthy

.. Petitioner

vs

1.The Zonal Deputy Registrar,
(Housing Board),
Office at East Garden Street,
Sri Saradha Vidhyalaya Higher
Secondary School,
Fairlands,
Salem - 16.

2.S.Subramanian

3.S.Vijayakumar

4.P.Meenakshi

5.K.Sekar

6.P.Veeramani

7.G.Ravichandran

8.V.Rathinam

9.C.Mahalingam

10.A.Subramani

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11.V.Rathinamala

12.P.Periyasamy

13.R.Manjula

14.A.Annamalai

.. Respondents

The Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 15.12.2017 passed in I.A.No.156 of 2014 in CMACS.No.11 of 2012 on the file of the Principal Additional Judge, Salem, Salem District.

For Petitioner ... Mr.C.Prakasam

ORDER

The Civil Revision Petition has been filed to set aside the fair and decretal order dated 15.12.2017 passed in I.A.No.156 of 2014 in CMACS.No.11 of 2012 on the file of the learned Principal Additional Judge, Salem, Salem District.

2.According to the petitioner, the first respondent, Zonal Deputy Registrar (Housing Board), passed the order dated 27.09.2012 against the petitioner and others. Against which, the petitioner preferred an appeal in C.M.A.C.S.No.11 of 2012 under Section 152(2)

of Co-operative Societies Act on the file of the Principal District Judge, Salem, Salem District. Thereafter, the petitioner filed an application in I.A.No.156 of 2015 in C.M.A.C.S.No.11 of 2012 to direct the first respondent to produce the enquiry report of Thiru K.Sangupillai, Co-operative Sub Registrar and the list of original and copy of documents seized in respect of enquiry and the said application was dismissed on 15.12.2017. Aggrieved by the order dated 15.12.2017, the petitioner filed the present Civil Revision Petition.

3.The learned counsel for the petitioner submitted that the Court below, while passing the order in I.A.No.156 of 2015, in the operative portion of the order stated that petitioner side not present, holding that the document required in the petition is not available with respondents, even though the name of the Advocate Thiru K.Armugam has been mentioned as he has appeared for the petitioner, before the Court below. Therefore, the order passed by the Court below is liable to be set aside.

4.In view of the above submissions, the revision petitioner is having remedy to approach the Court below by filing appropriate application under Provisions of the Law. Therefore, this Court is not inclined to entertain the Civil Revision Petition.

D.KRISHNAKUMAR,J.
cla

5.In fine, the Civil Revision Petition fails and the same is dismissed with liberty to the petitioner to file a proper application before the Court below, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2018

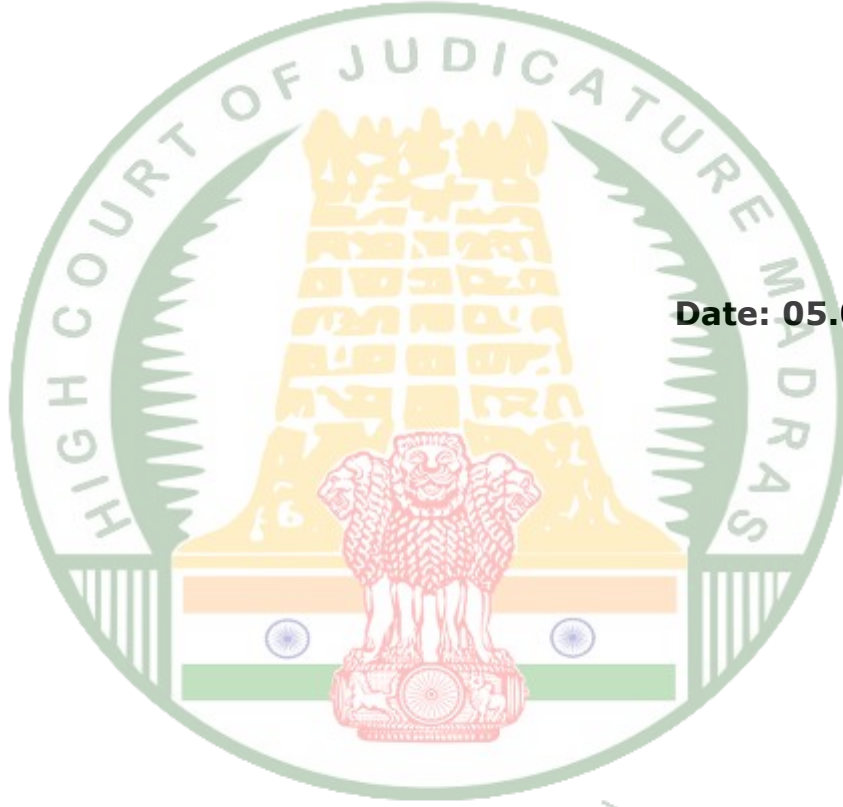
Speaking/Non Speaking order.
Index: Yes/No.
cla

To
The Principal District Judge,
Salem,
Salem District.



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**C.R.P.(PD)No.810 of 2018
and C.M.P.No.4472 of 2018**



Date: 05.03.2018

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