

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.1309 of 2018
and
W.M.P.No.1644 of 2018

J.Thulasingham

... Petitioner

Vs.

1.The Joint Registrar of Coop. Societies,
Villupuram Region, Villupuram,
Villupuram District.

2.The President,
E.2028, Kandamanadi Primary Agricultural,
Cooperative Credit Society,
Kandamanadi - 605 401,
Villupuram Taluk,
Villupuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings A.Thi.Mu.No.5723/2017/Sa.Pa, dated 28.12.2017 and quash the same and consequently direct the 1st respondent to entertain the Statutory Revision and dispose the same on merits.

For Petitioner : Mr.C.Prakasam
For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

With consent, the main writ petition itself is taken up for final disposal at the admission stage.

2. This writ petition has been filed challenging the two line impugned order dated 28.12.2017, wherein the Statutory Revision filed by the petitioner under Section 153(1) of Tamil Nadu Cooperative Societies Act was dismissed stating that the petitioner has not filed the Revision within the stimulated time, as there has been a delay of 22 days.

3. Heard the learned counsel on either side and perused the documents available on record.

4. This Court, earlier, while considering a similar issue in W.P.No.606 of 2011 on 10.02.2011 held that Section 153(1) of Tamilnadu Cooperative Societies Act, empowers the Registrar and the Government even to exercise suo motu powers of Revision. Therefore, in such circumstances, the 1st respondent need not have rejected the Revision Petition filed by the petitioner on the sole ground that it was barred by limitation.

5. In the present case, there is no long delay and there is a short delay of 22 days. This Court, by following its earlier order passed on 10.02.2011 in W.P.No.606 of 2011, [K.Ramu Vs. The Additional Registrar of Co-operative Societies, Kilpauk, Chennai 5 and two others], is inclined to set aside the impugned order dated 28.12.2017 and the Revisional Authority is directed receive and take up the Revision Petition filed by the petitioner and pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

With the above observation and direction, this Writ Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS II)

//True copy//

Sub Assistant Registrar

ssd/sai

To

1.The Joint Registrar of Coop. Societies,
Villupuram Region, Villupuram,
Villupuram District.

2.The President,
E.2028, Kandamanadi Primary Agricultural,
Cooperative Credit Society,
Kandamanadi - 605 401,
Villupuram Taluk,
Villupuram District.

+1cc to Mr.L.P.Shanmugha Sundaram, Advocate SR.No.5431
+1cc to Government Pleader SR.No.5514

W.P.No.1309 of 2018
and
W.M.P.No.1644 of 2018

GN(15/02/2018)