

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.28382 of 2017
and
WMP.No.30479 of 2017

D.Radhakrishnan
Son of Duraisamy

.. Petitioner

Vs.

1. The Joint Registrar of
Co-operative Societies
The Office of the Joint Registrar of
Co-operative Societies
Perambalur Region, Perambalur Town,
Perambalur Taluk & District.

2.The Deputy Registrar of
Co-operative Societies
The Office of the Deputy Registrar
of Co-operative Societies,
Perambalur Circle, Perambalur Town,
Perambalur Taluk & District.

3.Mr.V.Periyasamy
The Joint Registrar of
Co-operative Societies
The Office of the Joint Registrar
of Co-operative Societies,
Perambalur Region, Perambalur Town,
Perambalur Taluk & District.

4. K.R.Thangavel
S/o.Ramaswamy
President Incharge,
R-413, Ogalur Primary Agricultural
Credit Society, 6/168, Gandhi Nagar,
Village & P.O.,
Kunnam Tk., Perambalur District. .. Respondents

*R4 impleaded as per order of this Court dated 19.12.2017
in WMP.No.33780 of 2017 in WP.No.28382 of 2017

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the 1st respondent in his proceedings under Section 36 of the Tamil Nadu Co-operative Society Act bearing Na.Ka.3587/2014/Sa.Pa dated 03.11.2017 and quash the same.

For Petitioner: Mr.G.Ilamurugu

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)
for R1 & R2
Mr.C.Prabakaran for R3
Mr.P.Mani for R4

O R D E R

This writ petition is filed challenging the order dated 03.11.2017, passed by the first respondent under Section 36 of the Tamil Nadu Co-operative Societies Act, 1983, wherein and whereby, the petitioner was disqualified from the post of the President and the Director of the Board of the Society, namely, R-413, Ogalur Primary Agricultural Cooperative Credit Society.

2. It is seen from the very impugned order passed by the first respondent as well as by perusing the relevant provisions of law that the petitioner is having an appellate remedy before the Registrar of Co-operative Societies under Section 152 of the Tamil Nadu Co-operative Societies Act against the order of the 1st respondent. It is further seen that the petitioner has already filed such appeal before the said authority on 21.12.2017, received by the said officials on 23.02.2017. It is stated that the said appeal is still pending.

3. When that being the factual position, I do not think that the petitioner is entitled to approach this Court and canvass against the impugned order, by pursuing this writ petition. Therefore, without expressing any view on the merits of the matter, this writ petition is disposed of, by giving liberty to the petitioner to work out his remedy before the Appellate Authority, where the appeal has already been filed and pending. The Appellate Authority shall consider the appeal and pass orders on the same on merits and in accordance with law, after hearing all the parties concerned as expeditiously as possible, in any event within a period of four weeks from the date of receipt of a copy of this order. Since the said appellate

authority namely, the Registrar of Co-operative Societies is not a party to this writ petition, the Registry is directed to mark a copy of this order to the said official as well. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

mk

To

- 1.The Registrar of Co-operative Societies,
Kilpauk, (Opp. to Ega Theatre)
Chennai-600 010.
 - 2.The Joint Registrar of Co-operative Societies
The Office of the Joint Registrar of Co-operative Societies
Perambalur Region, Perambalur Town,
Perambalur Taluk & District.
 - 3.The Deputy Registrar of Co-operative Societies
The Office of the Deputy Registrar of Co-operative Societies,
Perambalur Circle, Perambalur Town,
Perambalur Taluk & District
- + 1 cc to Mr. P. Mani, Advocate Sr.7265
+ 1 cc to Mr. C. Prapakaran, Advocate SR.6848
+ 1 cc to Mr. Elamurugu, Advocate Sr.6894
+ 1 cc to MR. Government Pleader SWr.7488

W.P.No.28382 of 2017

(CS-Dr.)
EU(02/02/2018)

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