

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 14.02.2018

CORAM:
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.641 of 2016 and
C.M.P.No.8327 of 2016
against WP.No.11893 of 2016

M.Ayyappan

.... Appellant

-vs-

1.The Deputy Registrar of Cooperative Societies,
Tindivanam Circle, Tindivanam, Villupuram District.

2.The President,
Melchithamoor Primary Agricultural
Cooperative Credit Society,
Melchithamoor & Post, Gingee Taluk,
Villupuram District.

.... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent
against the order passed in W.P No.11893 of 2016 dated
31.03.2016.

WP.No.11893 of 2016:This Writ Petition filed under Article 226
of the Constitution of India praying to issue a Writ of
Certiorari Calling for the entire records relating to the
impugned order passed by the 1st respondent in his proceedings
Na. Ka.2851/2015/PACCS dt 15.3.2016 and quash the same

For Appellant : Mr.C.Prakasam

For Respondents: Mr.L.P.Shanmugasundaram

Special Govt.Pleader for R1 (Coop)

Ms.T.P.Savitha for R2

J U D G M E N T

[Judgment of the Court was delivered by
K.K. SASIDHARAN,J.]

The appellant was appointed as an Attender by the Board of
Management of Melchithamoor Primary Agricultural Cooperative
Credit Society. The Special Officer appointed by the Government
in the place of the Board terminated his appointment on account
of a misconduct. The order was passed on 22 February 2008.
Subsequently, new Board of Management assumed office. The Board
by way of exercising the appellate power passed an order

dated 27 August 2015 setting aside the order passed by the Special Officer and directing appointment of the appellant. The Deputy Registrar of Cooperative Societies by order dated 15 March 2016 called upon the Society to terminate the appointment of the appellant. The said order was challenged before the Writ Court. The learned single Judge dismissed the writ petition. Feeling aggrieved, the appellant is before this Court.

2. When a question was posed as to how the Board of Management of the Society can exercise appellate jurisdiction in respect of an order passed by the Special Officer, who was functioning as the Board of Management earlier in the place of the elected Board of Directors, the learned counsel for the appellant fairly submitted that he is withdrawing the appeal with liberty to file a revision petition before the Joint Registrar of Cooperative Societies under Section 153 of the Tamil Nadu Cooperative Societies Act. He has also made an endorsement to that effect.

3. The appellant is given liberty to file a revision before the concerned Registrar under Section 153 of the Tamil Nadu Cooperative Societies Act. In case any such revision is filed on or before 26 March 2018, the same shall be entertained by the revisional authority notwithstanding the delay. In short, the appeal shall not be rejected on the ground of limitation, in view of the fact that the appellant has been prosecuting the matter before this Court since 2016. The revision petition shall be disposed of on merits and as per law. Such exercise shall be completed within a period of three months from the date of receipt of revision petition.

4. The intra court appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

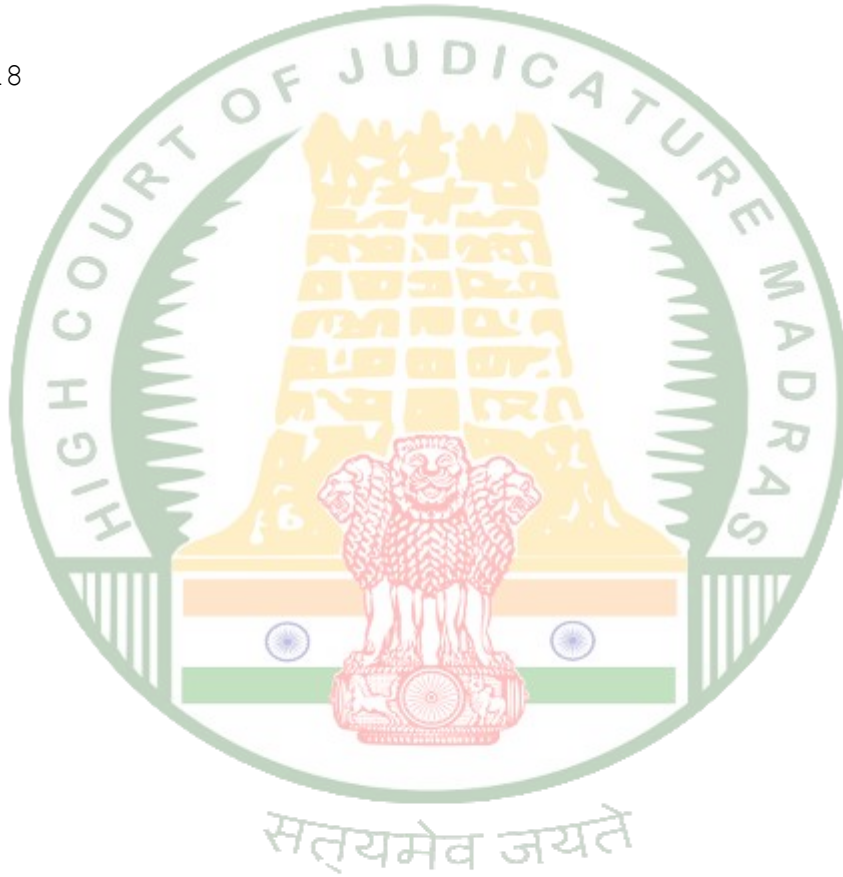
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+1 cc to the Govt Pleader sr 11743
+1 cc to the Mr.C.Prakasam Advocate sr 11805
+1 cc to Ms.T.P.Savitha Advocate sr 11313

W.A No.641 of 2016

rj(co)
a08/03/2018



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