

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27953 of 2013

And

W.M.P.No.10000 of 2018

KK.162, N.S.Reddiyar Primary Agricultural Co-operative
Credit Society Ltd., Represented by its President,
N.S.Reddiyar, Dharmapuri District. ... Petitioner

Vs.

1.The Additional Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk,
Chennai-10.

2.The Chairman Common Cadre Committee/
The Joint Registrar of Co-operative Societies,
Dharmapuri Region,
Dharmapuri District.

3.E.M.Sekar ... Respondents

Writ Petition is filed under Article 226 of the
Constitution of India for the issuance of a Writ of Certiorari,
calling for the records of the order passed by the first
respondent in Na.Ka.No.48651/2011 Sa.Pal dated 14.12.2011 and
quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents-1&2 : Mr.L.P.Shanmugasundaram,
Special Government Pleader
(Co-operative Societies).

For Respondent-3 : Mr.L.Chandrakumar

O R D E R

The order passed by the first respondent dated 14.12.2011 is sought to be quashed in the present writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the Revisional Authority, namely, the Additional Registrar of Co-operative Societies, Chennai, passed an order against the writ petitioner, without even providing an opportunity to the writ petitioner-Society to defend their case. The order under Section 153 of the Tamil Nadu Co-operative Societies Act was passed unilaterally by the first respondent without conducting any enquiry and adjudication. Section 153 of the Act stipulates that an opportunity to be provided to all the parties concerned before concluding the enquiry. However, no such opportunity was given to the writ petitioner. Thus, the order of the first respondent is liable to be set aside.

3. The learned counsel, appearing on behalf of the third respondent, is unable to dispute the fact that no opportunity was provided to the writ petitioner during the course of adjudication of the revision petition by the first respondent under Section 153 of the Act.

4. This being the factum of the case, this Court is of an opinion that it is a fit case for remittance. Accordingly, the order passed by the first respondent in Na.Ka.No.48651/2011 Sa.Pal dated 14.12.2011 is quashed and the matter is remitted back to the first respondent for re-adjudication of the revision petition under Section 153 of the Act. In this regard, the first respondent is directed to issue notice to the writ petitioner and all the parties concerned and thereafter proceed with the enquiry and pass orders on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Additional Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk,
Chennai-10.

2.The Chairman Common Cadre Committee/
The Joint Registrar of Co-operative Societies,
Dharmapuri Region,
Dharmapuri District.

+1cc to Mr.M.S.PALANISWAMY, Advocate, S.R.No.31833
+1cc to Mr.L.CHANDRAKUMAR, Advocate, S.R.No. 31054
+1cc to the Government Pleader, S.R.No. 31807

W.P.No.27953 of 2013

TR(09/05/2018)



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