



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mrs.Justice R.HEMALATHA

CMP(MD) No.9881 of 2017
IN
WA(MD) No.SR43040 of 2017

THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
STATE BANK COLONY,
DINDIGUL.

... PETITIONER/APPELLANT

Vs

THE TRIBUNAL FOR COOPERATIVE
SOCIETIES CUM THE PRINCIPAL DISTRICT COURT,
DINDIGUL.

2 C.ASHOKAN,

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 236 days in filing the appeal.

PRAYER IN WA(MD) No.SR43040 of 2017:

Writ Appeal filed under Clause XV of Letter Patent Act, praying this Court pleaded to set aside the order passed in WP(MD) No.6868/2009 dated 06.02.2017.

Prayer in WP(MD). 6868/ 2009 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records and direct to quash the order of the 1st respondent dated 04/02/2009 in C.M.A(CS) NO. 56 of 2000 in the nature of Writ .

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ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.O.S.KALAISELVAM, Advocate for the petitioner and of MR.S.MOHANDOSS, Advocate for R2 the court made the following order:-

(Order of the Court was made by M.SATHYANARAYANAN,J)

The Special Co-operative Tribunal vide order, dated 04.02.2009 has concluded that there was no willful negligence on the part of the second respondent and therefore set aside the sur-charge proceedings and the challenge made by the appellant/writ petitioner in W.P(MD)No.6868 of 2009 also ended in dismissal vide order, dated 06.02.2017. Challenging the same, the present Writ Appeal is filed with a delay of 236 days.

2.A perusal of the affidavit would disclose that the petitioner/appellant took a stand that in the event of the condonation of delay and the matter is decided on merits, the petitioner is having a good case and further no reasons have been adduced.

3.However, the learned counsel appearing for the second respondent has strongly opposed this petition and would submit that in the absence of any plausible explanation and acceptable reasons, such huge delay cannot be condoned and prays for dismissal of this petition.

4.This Court has considered the rival submissions and also

<https://hcservices.courts.gov.in/hcservices/>
perused the materials placed on record.



5.The petitioner/appellant is an official of the Co-operative Department and the Department is normally expected to prosecute the proceedings diligently. However, the affidavit filed in support of the petition is bereft of any material particulars. Hence, this Court, taking into consideration of the fact that the matter pertains to sur-charge proceedings, is of the considered view that for condonation of delay, the petitioner/appellant is to be put on terms:-

In the result, this petition is ordered and the delay is condoned subject to the condition that the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand Only) by means of a Demand Draft drawn in the name of the Additional Registrar General of this Court on or before 19.03.2018 and the said amount shall be spent by the Additional Registrar General to purchase necessary medical equipments for the dispensary, attached to this Court.

5.Call on 20.03.2018 for reporting compliance.

sd/-

06/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE TRIBUNAL FOR COOPERATIVE
SOCIETIES CUM THE PRINCIPAL DISTRICT COURT,
DINDIGUL.

COPY TO : THE ADDITIONAL REGISTRAR GENERAL
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SECTION OFFICER, ACCOUNT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
GJM/CM/VR/SAR-2-13.3.18-3P-4C

ORDER

IN

CMP(MD) No.9881 of 2017

IN

WA(MD) No.SR43040 of 2017

Date :06/03/2018