



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.2784 of 2018

and

W.M.P (MD) Nos.2948 and 2949 of 2018

S.P.Anvertheen

... Petitioner

Vs.

1.The Registrar of Cooperative Society
(Housing Board), Chennai 600 007.

2.The Deputy Registrar (Housing Board),
Madurai Division, Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.3870/2014/Sa.Pa.2 dated 27/12/2017 and quash the same as illegal.

For Petitioner

: Mr.Mohd.Imran

for M/s.Ajmal Associates

For Respondents

: Mr.M.Rajarajan,

Government Advocate.

ORDER

This writ petition has been filed challenging the order passed under Section 36 of the Tamil Nadu Co-operative Societies Act, 1988 passed by the first respondent dated 27.12.2017.

2.Admittedly, against that order there is an effective alternative remedy available by way of appeal before the Co-operative Tribunal under Section 152 of the Tamil Nadu Co-operative Societies Act, 1988. The petitioner has approached this Court without exhausting the remedies available under the statutes and therefore, the writ petition is not maintainable.

3.Learned counsel appearing for the petitioner submitted that the first respondent has passed the impugned order without assigned any reason whatsoever and in support of his contention, he also relied upon a decision of the Supreme Court reported in (2010) 9 SCC 496 (*Kranti Associates Private Limited Vs.Masood Ahmed Khan and others*).

4.From the perusal of the impugned order, it could be seen that the first respondent has passed the impugned order in detail after considering the entire materials available on record and therefore, it cannot be contended that the impugned order is cryptic and without any reason. The decision relied upon by the learned counsel for the petitioner is not applicable to the facts and circumstances of the case.



5. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to file an appeal, if he is so advised. No costs. Consequently, W.M.P(MD)Nos.2948 and 2949 of 2018 are closed.

Sd/-
Assistant Registrar(CSII)
/True Copy/

Sub-Assistant Registrar

To

1.The Registrar of Cooperative Society
(Housing Board), Chennai 600 007.

2.The Deputy Registrar (Housing Board),
Madurai Division, Madurai.

+One cc to The Special Government Pleader, SR.No.48655

sms
RL/4C/2P/KK/SAR2/6/3/2018

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