



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2018

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**C.R.P. (PD) (MD) No.2550 of 2016**
and C.M.P. (MD) No.11985 of 2016

The Official Liquidator/Joint Registrar,
Madurai Urban Cooperative Bank Ltd.,
32, Naicker New Street,
Madurai - 625 001. ... Revision Petitioner/Respondent

-Vs-

1.Kanchana ...Respondent/Complainant
2.Nallamani ... Respondent/Respondent

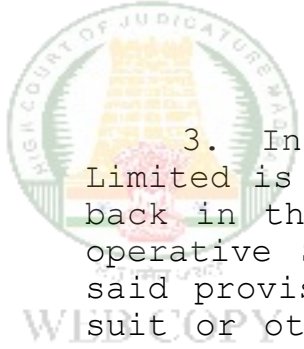
Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India praying to strike off the Consumer Case in C.C.No.153 of 2016 on the file of the District Consumer Disputes Redressal Forum, Madurai.

For Petitioner	:	Mr.T.Lajapathi Roy
For R1	:	Mr.T.R.Subramanian
For R2	:	Mr.C.Jawahar Ravindran

O R D E R

The first respondent herein filed C.C.No.153 of 2016 before the District Consumer Disputes Rederessal Forum, Madurai, against the official liquidator of Madurai Urban Co-operative Bank Limited. This Civil Revision Petition has been filed to strike out the said consumer case from the file of the Forum at the instance of the official liquidator.

2. When the matter was taken up for hearing, the learned counsel appearing for the first respondent contended that the Civil Revision Petition is not maintainable. He placed reliance on the decision rendered in W.P.(MD) No.12658 of 2012 in Deposit Insurance and Credit Guarantee Corporation (wholly owned subsidiary of the Reserve Bank of India) Vs. The Liquidator, the Madurai Urban Co-operative Bank Ltd. However, in the very same decision it has been held that the order impugned therein could not be said to be beyond the parametres of the jurisdiction of the Consumer forum. This court has held that when the Consumer Forum passed orders within the scope and parametres of its jurisdiction, the same can be challenged only before the National Commission.



3. In the present case, Madurai Urban Co-operative Bank Limited is under liquidation. The liquidation order was passed way back in the year 2005. Therefore, Section 141 of Tamil Nadu Co-operative Societies Act, 1983, will clearly come into play. The said provision holds that when liquidator has been appointed, no suit or other legal proceedings shall lie or be proceeded with against the Liquidators as such or against the society or any member thereof on any matter touching the affairs of the registered society, except by Leave of the Registrar and subject to such terms as he may impose.

4. In this case, leave of the Registrar has not been obtained. Therefore, the Consumer Forum obviously could not have entertained C.C. No.153 of 2016 filed by the first respondent herein. When a Tribunal, which falls within the territorial jurisdiction of this Court, is acting beyond the bounds of statutory authority by ignoring a statutory provision, this is obliged to intervene.

5. In such view of the matter, C.C.No.153 of 2016 is struck off from the file of the District Consumer Disputes Redressal Forum, Madurai. Ofcourse, the remedies available to the first respondent herein are left intact.

6. In the result, this Civil Revision Petition is allowed. No costs.

Sd/-

Joint Registrar (Judl.)

// True Copy //

Sub Assistant Registrar(CS-I)

To,
The District Consumer Disputes Redressal Forum, Madurai.

Copy to
The Record keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC To MR.T.R.SUBRAMANIAN, Advocate SR. NO.87955
+1 CC To MR.T.LAJAPATHI ROY, Advocate SR. NO. 88288

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