

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 1343 of 2019

and

W.M.P.s 1500 & 1504 of 2019

E.M.Sekar

... Petitioner

Vs

1. KK.162, N.S.Reddiyar Primary Agricultural Cooperative Credit Society Ltd., rep. by its President, N.S.Reddiyar, Dharmapuri District.
 2. The Additional Registrar of Cooperative Societies, No.170, N.V.N.Maligai, Kilpauk, Chennai-600 010.
 3. The Chairman Common Cadre Committee/ The Joint Registrar of Cooperative Societies, Dharmapuri Region, Dharmapuri District.
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, to call for the records, pertaining to the proceedings of 2nd respondent's notice Na.Ka.48651/2011/Sa.Pa.1 dated 21.12.2018.

For Petitioner : Mr.M.Vijay Anand

For Respondents 2&3 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

M/s.M.S.Palaniswamy, SC for
TN State Co-op Societies for R1

O R D E R

This Writ Petition has been filed challenging the notice issued by the 2nd respondent directing the petitioner to appear for enquiry in a revision petition filed by the petitioner under Sec.123 of Tamil Nadu Cooperative Societies Act.

2. Earlier, the petitioner was removed from service by the 1st respondent society. Challenging the order of removal, the petitioner has filed a revision petition before the 2nd respondent, and the 2nd respondent by an order dated 14.12.2011 allowed the revision petition and set aside the order of dismissal. Since the above order has been passed without hearing the society, the society filed a Writ Petition challenging the order passed by the 2nd respondent in W.P. No.27953 of 2013, and this Court by an order dated 25.04.2018 set aside the order passed by the 2nd respondent and remanded the matter back and also directed the 2nd respondent to dispose the revision petition afresh after giving opportunity to the petitioner.

3. In pursuant to the order passed by this court, the 2nd respondent has issued the notice of hearing to the petitioner. Challenging the impugned notice, the petitioner has filed the present Writ Petition on the ground that against the order passed by this Court in W.P.No.27953 of 2013, the petitioner has filed the Writ Appeal with the delay and the notice was also ordered in the petition filed for condoning the delay. Pending above proceedings, the 2nd respondent cannot conduct enquiry till the disposal of the Writ Appeal.

4. On perusal of the order passed by this Court, it could be seen that the order has been passed on 25.04.2018 setting aside the order of the 2nd respondent and remanded the matter and directed the 2nd respondent to dispose the revision petition within a period of four months from the date of receipt of the copy the order. It could also be seen that the order copy was made ready on 16.05.2018, and already seven months was over, but the petitioner is not able to get any order in the Writ Appeal. In the said circumstances, the 2nd respondent has no other option except to issue notice to the petitioner and this Court find no irregularity in the notice issued by the 2nd respondent. However, the petitioner has already filed the Writ Appeal and the notice was also ordered. Hence, it is for the petitioner to get suitable orders in the Writ Appeal. In the said circumstances, the learned counsel appearing for the petitioner submitted that four weeks time may be granted enabling him to move the Writ Appeal and get any suitable orders in the Writ Petition.

5. Considering the above facts and circumstances, the 2nd respondent is directed to proceed with the enquiry and the 2nd respondent is directed to not to pass any final order in the Revision within a period of six weeks from the date of receipt of the copy of this order. In the meantime, if the petitioner is not able to get any order in his favour in the Writ Appeal, it is open to the 2nd respondent to pass orders on merits and in accordance with law, after expiry of six weeks.

6. In the result, the present Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1. President,
KK.162, N.S.Reddiyur Primary Agricultural
Cooperative Credit Society Ltd.,
N.S.Reddiyur,
Dharmapuri District.
2. The Additional Registrar of
Cooperative Societies,
No.170, N.V.N.Maligai,
Kilpauk, Chennai-600 010.
3. The Chairman Common Cadre Committee/
The Joint Registrar of Cooperative Societies,
Dharmapuri Region,
Dharmapuri District.

+1 cc to Mr.M.Vijay Anand, Advocate, S.R.No.5907

+1 cc to the Government Pleader, S.R.No.6959

KR(CO)
SSM(21/02/2019) .

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