

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.3210 of 2019
and
WMP.No. 3460 of 2019

R. Haripriya

... Petitioner

Vs

1. State of Tamil Nadu
rep. By The Registrar of
Co-operative Societies (Housing)
Vepery, Chennai - 7.
2. The Deputy Registrar of
Co-operative Societies (Housing)
No.16, Ramanathan Street
T. Nagar, Chennai - 17.
3. The Liquidation Officer /
Co-Op. Sub Registrar
Palavakkam Co-operative Housing
Society Ltd.,
O/o. The Deputy Registrar of
Co-operative Societies (Housing)
T. Nagar, Chennai - 17.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Certiorari, to quash the order No. Na.Ka. 6878/ 2018/sapa.1 dated 15.12.2018 issued by the first respondent read with Order Na.Ka. No. 983/2016/C/ dated 23.01.2018 of the second respondent (despatched on 12/7/2018) and the consequential order Na.Ka. 1912/2018/K dated 31.10.2018 of the second respondent.

For Petitioner : Mr. C.K. Chandrasekhar

For Respondents : Ms. S. Girija,
Government Advocate

O R D E R

The prayer in the Writ Petition is to quash the order No. Na.Ka. 6878/2018/sapa.1 dated 15.12.2018 issued by the first respondent read with Order Na.Ka. No. 983/2016/C dated 23.01.2018 of the second respondent and the consequential order Na.Ka. 1912/2018/K dated 31.10.2018 of the second respondent, as illegal, arbitrary and in clear violation of natural justice.

2. The learned counsel for the petitioner would submit that the petitioner was the elected President of the Palavakkam Co-operative Housing Society and assumed office on 09.05.2013. According to the petitioner without following any procedures of law, the 2nd respondent passed the impugned order dated 23.01.2018, to wind up the affairs of the Society, when the society had validly elected board of members and was functioning. The said notice was communicated by registered post only on 12.07.2018. Against the said notice, an appeal was preferred to the 1st respondent under Section 152(2) of the Cooperative Societies Act and the same was rejected on the ground that the appeal has been filed beyond the prescribed time limit of 60 days. Aggrieved by the said orders, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner would submit that the petitioner has bonafide reasons for the delay in filing the appeal and he has got a fit case to challenge the impugned orders dated 23.01.2018, 31.10.2018 and the consequential order dated 15.12.2018. In view of the rejection order passed by the 1st respondent, the petitioner undertakes to file an application to condone the delay in filing the revision, challenging the order dated 23.01.2018.

4. Ms. S. Girija, takes notice for the respondents and submit that the petitioner has not preferred the revision along with the condone delay application and therefore the revision authority has rightly rejected the revision.

5. Considering the above submission of the learned counsel for the parties, this Court is inclined to set aside the impugned orders dated 23.01.2018, 31.10.2018 and 15.12.2018 and the same are quashed. The petitioner is granted liberty to file an application for condoning the delay in filing the revision before the revision authorities within a period of ten days from the date of receipt of a copy of this order. On receipt of such application, the revision authorities shall consider and pass orders on merits and in accordance with law, as expeditiously as possible.

6. The Writ Petition is allowed, with the above direction, at the stage of admission itself. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

avr

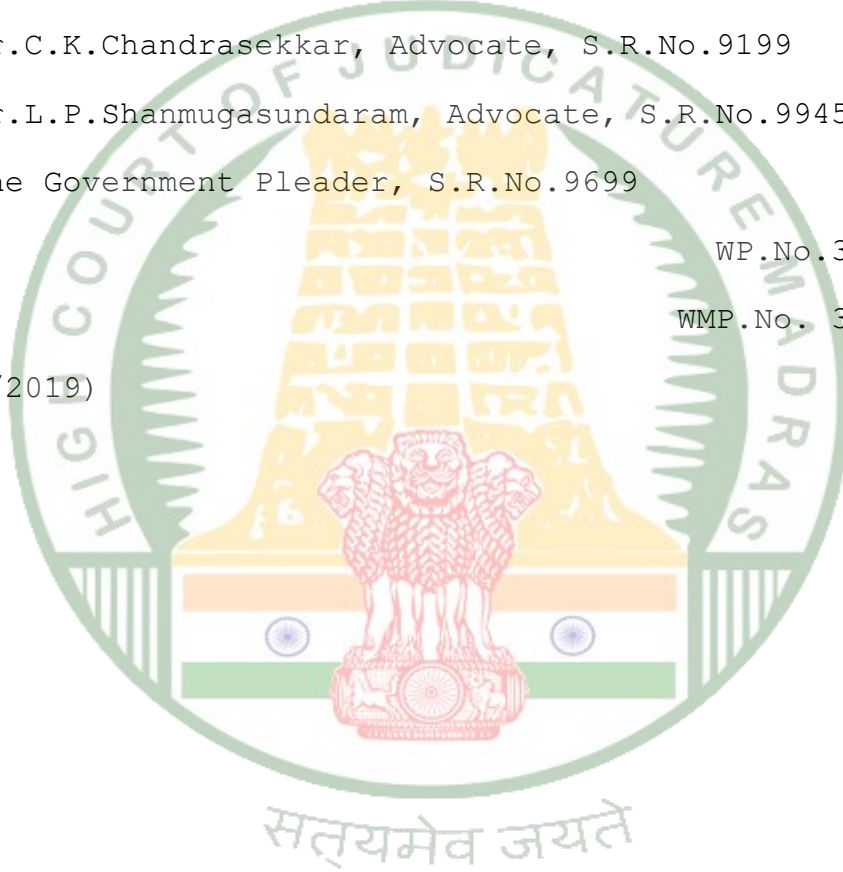
+1cc to Mr.C.K.Chandrasekhar, Advocate, S.R.No.9199

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.9945

+1cc to the Government Pleader, S.R.No.9699

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GSP (28/02/2019)



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