

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.01.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAN

W.P.No.31211 of 2005
and
W.M.P.No.34206 of 2005

P.Meenakshi

... Petitioner

Versus

1.The Special Secretary to Government
Cooperation, Food and Consumer
Protection Department. Fort St.George,
Chennai - 9.

2.The Registrar of Cooperative Societies,
N.V.Natarajan Maligai, 170, Periyar
EVR High Road, Chennai.

3. The Deputy Registrar (Non-Credit)
No.48, Lattice Bridge Road, Adyar,
Chennai.

.... Respondents

Prayer : Writ petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus calling for the records of the first respondent in his
letter dated 04.08.2005 in No.37969/CN1/2004-6 and quash the
same and directing the first respondent to dispose of the
Revision dated 04.11.2004 on merits pending before them, in
accordance with law.

For Petitioner : Mr. M.Venkateswaran

For Respondents : Mrs.T.Girija
Government Advocate (Co-Op)
for R.1 to R.3

O R D E R

The order of rejection dated 04.08.2005 issued by the first
respondent stating that the order of surcharge passed under
Section 87 of the Tamil Nadu Cooperative Societies Act is to be

challenged before the Cooperative Tribunal constituted under Section 152 of the Tamil Nadu Cooperative Societies Act is under challenge in the present writ petition.

2. The writ petitioner states that, her husband was holding the post of Additional Registrar/Special Officer, Tamil Nadu Cooperative Marketing Federation (TANFED) during 05.03.1996 to 31.12.1996. On account of certain irregularities in to the affairs of the TANFED, the surcharge proceedings under Section 87(1) of the Tamil Nadu Cooperative Societies Act was initiated against the husband of the writ petitioner, in order to recover the loss occurred to the Cooperative Society. After conducting an enquiry final order in the surcharge proceeding were issued under Section 87 of the Act. Challenging the said surcharge order, the writ petitioner filed an appeal on behalf of her husband before the first respondent / Government who inturn rejected the same in the proceedings impugned dated 04.08.2005 stating that an appeal is provided under Section 132 of the Tamil Nadu Cooperative Societies Act and therefore, such an appeal before the Government is not maintainable.

3. This Court is of an opinion that under Section 152 of the Tamil Nadu Cooperative Societies Act, provides appeals any person aggrieved by any decision or award passed or order made or proceedings taken under sub-section (1) of section 87, sub-section (2), sub-section (3) or sub-section (4) of section 90, shall prefer an appeal before the Cooperative Tribunal constituted under Section 152 of the Act. As of now, the respective Principal District Judges are designated as Cooperative Tribunals in the respective districts.

4. Thus, the writ petitioner has to approach the Court of the Principal District Judge concerned / Cooperative Tribunal for the purpose of redressing her grievances and the rejection order passed by the Government that no appeal is maintainable against the passed order under Section 87 of the Act is in consonance with the provisions of the Act and there is no infirmity as such. Even in respect of conditional attachment order the appeal lies before the Cooperative Tribunal under Section 152 of the Act.

5. Either of the case the writ petitioner has to approach the Tribunal for redressing her grievances. Thus, the writ petitioner is at liberty to approach the Competent Cooperative Tribunal for the purpose of adjudication of the issues raised in the present writ petition.

6. Accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Pkn

To

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Chennai.

+1 cc to Mr.M.Venkateswaran, Advocate Sr.No.2593

+1 cc to The Government Pleader, Sr.No.2734

W.P.No.31211 of 2005

RK(CO)
CSL/05.02.2019

सत्यमेव जयते

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