

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.5431 of 2019

P.Shanmugavel

.. Petitioner

Vs.

1. The Deputy Registrar,
Co-operative Societies (Credit),
Kuralagam Complex,
Chennai-600 108.

2. The Managing Director,
Chennai Central Co-operative Bank Ltd.,
No.215, Prakasam Salai,
Chennai-600 108.

3. The Special Tribunal for
Co-operative Cases,
In the Court of Small Causes,
Chennai-600 104.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in C.M.P.No.574 of 2015 in C.M.A.SR.No.59622 of 2012, consequently quash the order dated 16.02.2018 in C.M.P.No.574 of 2015 in C.M.A.SR.No.59622 of 2012 passed by the 3rd respondent.

For Petitioner : Mr.B.Manimaran

For Respondents : Ms.T.Girija,

Government Advocate [For R1]

Mr.P.Anbarasan [For R2]

Tribunal [For R3]

O R D E R

According to the learned counsel for the petitioner, the petitioner has preferred an appeal challenging the order passed by the 3rd respondent viz., the Special Tribunal for Co-operative cases, Chennai, dismissing C.M.P.No.574 of 2015 in C.M.A.SR.No.59622 of 2012, which was filed to condone the delay of 920 days in re-presenting the Appeal.

2. The learned counsel for the respondents submitted that the appeal preferred by the petitioner before the Tribunal is not maintainable, since he failed to exhaust the effective

alternative remedy available under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, before the concerned Authority.

3. The learned counsel for the respondents have rightly submitted that, without availing the alternative remedy, the petitioner has come to this Court with this writ petition under Article 226 of the Constitution of India, hence, the same is not maintainable.

4. Accordingly, in view of the reason that an effective alternative remedy is available, as aforesaid, the prayer in this writ petition cannot be entertained. The petitioner can work out his remedy by filing a revision before the Joint Registrar of Co-operative Societies under Section 153 of the Tamil Nadu Co-operative Societies Act.

5. For the above reason, the writ petition is dismissed. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

ssn

To

1. The Deputy Registrar,
Co-operative Societies (Credit),
Kuralagam Complex,
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+1 CC to Mr.A.Praveen Kumar, Advocate sr 31798.

+1 CC to Mr.B.Manimaran, Advocate sr 4881.

+1 CC to Spl. Govt. Pleader sr 3197.

W.P.No.5431 of 2019

SP(02/05/2019)