

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.04.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10099 of 2019

B.Juliet Sahayarani

..Petitioner

vs

1.The Joint Registrar of
Co-operative Societies,
Nilgiris District,
Udhagamandalam.

2.The President/Special Officer,
Nilgiris District Plantation,
Labourers Co-operative Thrift
and Credit Society Limited,
Coonoor,
Nilgris District.

.. 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 relating to the Impugned Proceedings passed in Na.Ka.4942/2018 A3 dated 05.01.2019 on the file of the 1st Respondent herein, quash the same and consequently direct the 1st Respondent to dispose of the revision dated 13.12.2018 submitted by the petitioner in accordance with law.

For Petitioner :Mr.K.Govi Ganesan

For Respondents :Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operatives) for R1

Mr.R.Bala Ramesh
Special Government Pleader for R2

O R D E R

The order of rejection passed by the 1st respondent in proceedings dated 05.01.2019, rejecting the Revision Petition filed by the writ petitioner under Section 153 of the Tamil Nadu Cooperative Societies Act is under challenge in the present writ petition.

2.The writ petitioner filed a Revision Petition under Section 153 of the Tamil Nadu Cooperative Societies Act, challenging the order of punishment imposed by the Management of a Cooperative Society. The Revision Petition was rejected by the 1st respondent on the ground that there is a delay in filing the Revision Petition and therefore, the said Revision cannot be entertained.

3.The learned counsel for the writ petitioner states that admittedly, there is a delay of 517 days in filing the Revision Petition. However, the writ petitioner has filed a petition to condone the delay by assigning the reasons for such delay.

4.The grievances of the writ petitioner is that the reasons stated by the writ petitioner has not even considered by the 1st respondent and the impugned order of rejection was passed summarily, rejecting the appeal.

5.This Court passed an elaborate order in W.P.No.16904/2015 dated 21.09.2017, wherein the Registrar was directed to issue Circular to the Joint Registrars to entertain the Revision Petition and decide the matter on merits. The delay cannot be a ground to reject the appeal summarily. If adequate reasons are provided by the Revision Petitioner, the same to be considered and a speaking order to be passed. Even such circumstances, the Joint Registrar being a Revisional Authority / Statutory Authority under the Act, must be liberal in condone the delay and entertain the Revision Petition and decide the same on merits and in accordance with law. The order of this Court had implemented by the Registrar of Cooperative Societies and issued a Circular in Circular No.13/2017 dated 06.11.2017. In the said Circular also, it is stated that if the petition to condone the delay is filed, the said petition is to be decided on merits.

6.This being the principles to be followed, the 1st respondent cannot reject the Revision Petition on the ground of delay.

7.Thus, this Court is inclined to condone the delay and direct the 1st respondent to entertain the Revision Petition and decide the matter on merits.

8.Accordingly, the impugned order passed by the 1st respondent in proceedings in Na.Ka.4942/2018 A3 dated 05.01.2019 stands quashed. The delay in filing the Revision Petition stands condoned. The 1st respondent is directed to entertain the Revision Petition and issue notice to all the parties and decide the matter on merits and in accordance with law by affording an opportunity to all the parties concerned as expeditiously as possible.

9.With these observations, the writ petition stands allowed.
However, there shall be no order as to costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

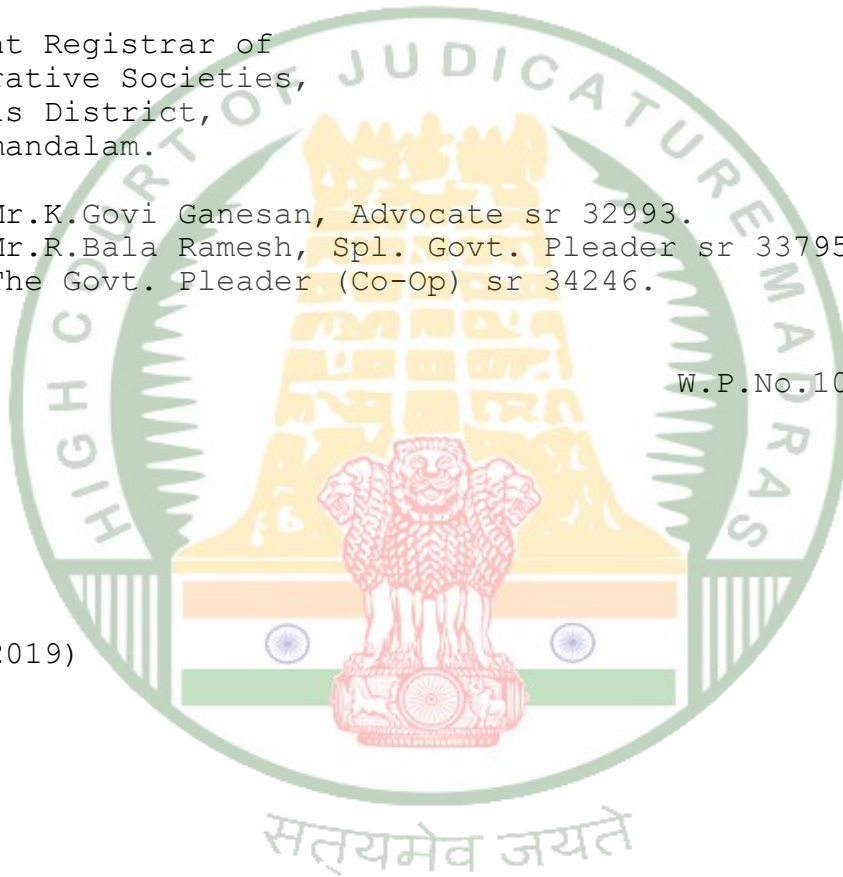
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To

1.The Joint Registrar of
Co-operative Societies,
Nilgiris District,
Udhagamandalam.

+1 CC to Mr.K.Govi Ganesan, Advocate sr 32993.
+1 CC to Mr.R.Bala Ramesh, Spl. Govt. Pleader sr 33795.
+1 CC to The Govt. Pleader (Co-Op) sr 34246.

W.P.No.10099 of 2019

SS(CO)
SP(03/05/2019)



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