



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.08.2019

Coram::

The Honourable Dr. Justice G. Jayachandran

W.P.No.18906 of 2019
& W.M.P.No.18262 of 2019

G.Sampath

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
N.V.N. Maligai, Kilpauk, Chennai - 10.
2. The Joint Registrar of Co-operative Societies,
Krishnagiri Region, Krishnagiri District.
3. The Deputy Registrar of Co-operative Societies,
Hosur Circle, Krishnagiri District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorari to call for the impugned surcharge proceedings in Tha.Thee.01/2019 Sa.Pa.(3) dated 22.01.2019 passed by the 3rd respondent in so far as petitioner concerned alone and the consequential impugned attachment order in CEP No.14/2018-2019 dated 29.05.2019 issued by the 3rd respondent herein and quash the same.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.D.Venkatachalam,
Additional Government Pleader (Co.op)

ORDER

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The Writ Petition is preferred challenging the order in Tha.Thee.1/2019 Sa.Pa(3) dated 22.01.2019 passed by the 3rd respondent/Deputy Registrar of Co-operative Societies under Section 87 of the Tamil Nadu Co-operative Societies Act. Showcause notice and attachment passed pursuant to the order passed under Section 87 enquiry proceedings is challenged in this Writ Petition, as per the structure of Tamil Nadu Co-operative Societies Act. Any order passed under Section 87 of the Tamil Nadu Co-operative Societies is appealable. Under Section 151 of the said act, which is the remedy available for

the petitioner. Therefore, the Writ Petition cannot be an alternate remedy when there is a statutory remedy. Hence, the Writ petition is dismissed, with liberty to the petitioner herein to prefer appeal as per the statute. The Appellate Authority shall take cognizance of the delay incurred due to approaching the wrong forearm and condone the delay while entertaining the Writ Petition, if any.

3. Registry is directed to return the original documents to the petitioner herein, after getting due acknowledgement. Hence, the Writ Petition is dismissed. No costs. Consequently, Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Registrar of Co-operative Societies,
N.V.N. Maligai, Kilpauk, Chennai - 10.
2. The Joint Registrar of Co-operative Societies,
Krishnagiri Region, Krishnagiri District.
3. The Deputy Registrar of Co-operative Societies,
Hosur Circle, Krishnagiri District.

Copy to : The Section Officer, E.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to The Government Pleader Sr.No.76515

AKM/20.09.2019 /2P-6C/

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