

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.07.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.26255 of 2018
and
W.M.P.No.30506 of 2018

T.Soundararajan

..Petitioner

vs.

1. The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram,
Villupuram District.

2. The President,
C.L.SPL.82, V.Marudhur Primary Agricultural
Cooperative Credit Society,
No.4, Kuppusamy Mudaliar Street,
V.Marudhur Post,
Villupuram - 605 602.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.2946/2017/Sa.Pa, dated 25.10.2017 and quash the same.

For Petitioner

.. Mrs.R.Hemalatha

for M/s.C.Prakasam

For Respondents

..

Mr.L.P.Shanmughasundaram

Special Government Pleader

ORDER

The petitioner has approached this Court, challenging the order, passed in Revision Petition dated 25.10.2017, rejecting the petition on the ground that the Criminal Appeal is still pending against the order of trial Court. The petitioner was originally found guilty for offence under Sections 471, 477(a) of IPC and sentenced to one year simple imprisonment and fine of Rs.1,000/- and on the basis of that Original Authority has passed an order of termination dated 10.05.2017, against which the Revision Petition has been filed under Section 153 of the Tamil Nadu Cooperative Societies Act. The Revision Petition was submitted on 21.05.2017, and the said Revision Petition was

disposed of without passing any orders on merit, in view of the pendency of the criminal appeal, vide proceedings Na.Ka.2946/2017/Sa.Pa, dated 25.10.2017, which is a subject matter of the challenge in the present writ petition.

2. When the matter is taken up for hearing, the learned counsel for the petitioner Mrs.R.Hemalatha, would submit that after the impugned order passed in the Revision Petition, the criminal appeal filed by the petitioner herein was allowed vide order of the Additional District Judge, Fast Track Court, villupuram, in C.A.No.42 of 2015 dated 10.10.2018. The Trial Court judgment convicting the petitioner herein was set aside and the petitioner was acquitted. Therefore, she would submit that, in view of the criminal appeal being allowed in favour of the petitioner herein, the first respondent in his revisional powers has to necessarily deal with his order on its merits, which is impugned in the present writ petition.

3. Mr.L.P.Shanmughasundaram, learned Special Government Pleader appearing for the respondents has not disputed the above facts. This Court has also perused the judgment in the criminal appeal No.42 of 2015. Since the petitioner has been now acquitted of criminal charges and the judgment of trial Court has been set aside, it is incumbent on the first respondent to pass order in the Revision Petition dated 25.10.2017 on its merits. Therefore, the order passed by the first respondent dated 25.10.2017 is hereby set aside and the matter is remanded back to the first respondent to pass fresh orders on merits and in accordance with law on the basis of the judgment of the criminal appeal No.42 of 2015 dated 10.10.2018. The first respondent is directed to pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

4. Accordingly, the present writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Pns

To

1. The Joint Registrar of Cooperative Societies,
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Villupuram District.
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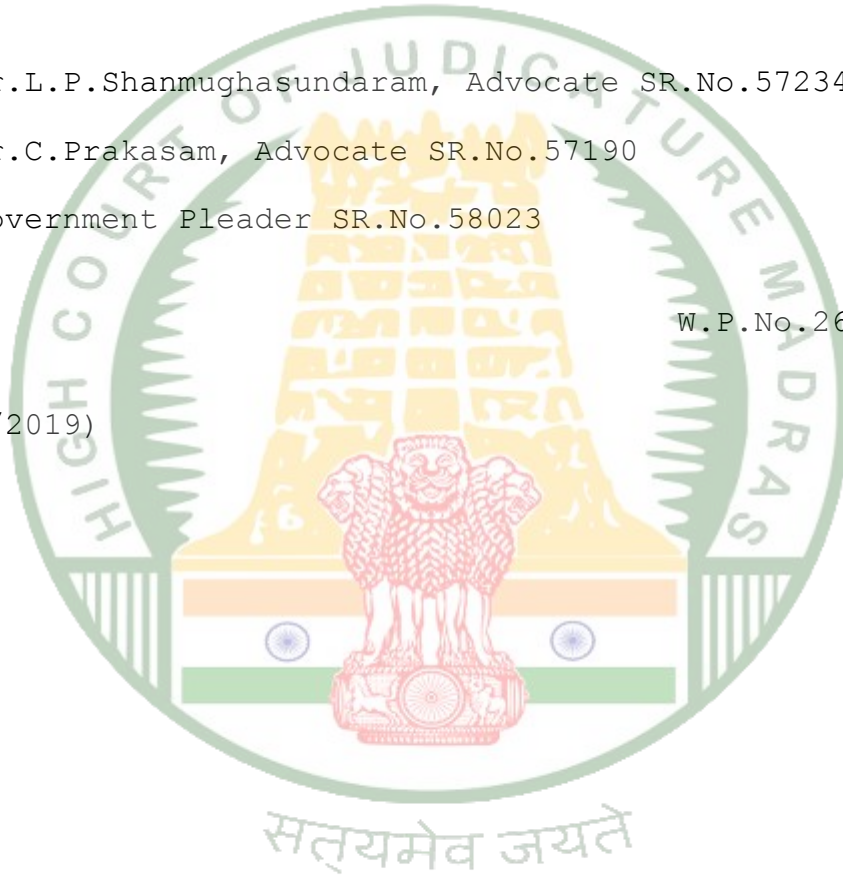
+1cc to Mr.L.P.Shanmughasundaram, Advocate SR.No.57234

+1cc to Mr.C.Prakasam, Advocate SR.No.57190

+1cc to Government Pleader SR.No.58023

W.P.No.26255 of 2018

VSN II (CO)
GMY (07/08/2019)



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