



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WEB COPY

W.P. (MD) Nos. 6308 and 6309 of 2015
and
M.P. (MD) Nos. 1, 2 and 2 of 2015

R41. Srivilliputhur Agricultural Producers
Co-operative Marketing Society Ltd.,
Srivilliputhur,
Virudhunagar District
Represented by its Managing Director
A. Sudha

... Petitioner in both W.Ps.

Vs.

1. The District Judge/Co-operative Tribunal
Srivilliputhur,
Virudhunagar District.

2. The Deputy Registrar of Co-operative Societies,
Srivilliputhur,
1, West Mada Street,
Srivilliputhur,
Virudhunagar District.

... Respondents in both W.Ps.

3. P. Bose ... 3rd Respondent in W.P. (MD) No. 6308 of 2015

4. P. Lingasamy
5. M. Ayyasamy
6. V. Perumalsamy
7. K. Annamalai
8. N. Rengasamy
9. S. Mariappan
10. J. Booma
11. Vijayapadma

... 3 to 10 respondents in W.P. (MD) No. 6309 of 2015

PRAYER in W.P. (MD) No. 6308 of 2015: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified, to call for the records of the impugned order passed by the first respondent in C.M.A. (C.S) No. 19/2004, dated 27.11.2014 and quash the same as illegal.

PRAYER in W.P. (MD) No. 6309 of 2015: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified, to call for the records of the impugned order passed by the first respondent in C.M.A. (C.S) No. 20/2004, dated 27.11.2014 and quash the same as illegal.



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For Petitioner : Mr.L.George Paul Anto
(in both W.Ps.)
For R1 & R2 : Mr.M.Rajarajan
(in both W.Ps.) Government Advocate
For R3 : Mr.M.E.Elango in WP(MD)No.6308/2015
For R3 to R5 : Mr.S.Venkatesh
for Mr.A.Sivaji in WP(MD)No.6309/2015
For R7 : Dismissed

COMMON ORDER

I have already held in C.R.P.(MD)No.609 of 2017, dated 11.10.2018 that the order passed by the Co-operative Tribunal disposing of an appeal under Section 152(1)(9) of the Act against the surcharge proceedings under Section 87 of the Act will be exclusively amenable to the revisional jurisdiction under Article 227 of the constitution of India and a Writ Petition under Article 226 of the constitution of India will not be amenable. Therefore, these writ petitions are dismissed as not maintainable. The writ petitioner is of-course at liberty to file Civil Revision Petition under Article 227 of the constitution of India. No costs. Consequently, connected miscellaneous petitions are closed.

sd/
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Judge/Co-operative Tribunal
Srivilliputhur,
Virudhunagar District.
2. The Deputy Registrar of Co-operative Societies,
Srivilliputhur,
1, West Mada Street,
Srivilliputhur,
Virudhunagar District.

Copy to:

The Section Officer,
ER. Section,
Madurai Bench of Madras High court, Madurai

(to return the original orders along with the writ petition)



+1 CC to SPL GP (SR-61784[F] dated 23/04/2019)

+1 CC to Mr.M.E.ILANGO, Advocate (SR-62016[F] dated 24/04/2019)

+2 CC to Mr.GEORGE PAUL ANTO, Advocate SR-61952, 61951

W.P. (MD) Nos. 6308 and 6309 of 2015

and

M.P. (MD) Nos. 1, 2 and 2 of 2015

22.04.2019

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MK/17.05.2019/3P/8C