



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.20209 of 2015
and
M.P.[MD]No.1 of 2015

P.Sonaiyan

... Petitioner

Vs.

1.The Deputy Registrar,
Co-operative Societies,
Aranthangi Circle,
Kamatchiamman Koil Street,
Aranthangi,
Pudukottai.

2.M.M.575 Nallur Primary Agricultural Co-operative
Credit Society,
Rep. by its President,
Nallur,
Nallur Post,
Ponnamaravathi Taluk,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned order bearing Na.Ka.651/2015/A3 dated 29.10.2015 passed by the first respondent and quash the same.

For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

O R D E R

The final order passed by the competent authority under Section 87 of the Tamil Nadu Cooperative Societies Act, 1983, [hereinafter referred to as 'the Act'] is under challenge in the present writ petition.

2.Surcharge proceedings are initiated mostly based on the statutory enquiry report submitted by the enquiry officer under Section 81 or 82 of the Act. In case of inspection, it is Section 82 and in case of a statutory enquiry, it is Section 81. However, the



actions under Section 87 are initiated based on the statutory inspection or enquiry either under Section 81 or under Section 82 of the Act.

3. Section 152 of the said Act contemplates an appeal to be filed before the Special Tribunal for Cooperative cases. The Principal District Judges are designated as Special Cooperative Tribunal for the purpose of dealing with the surcharge orders issued under Section 87 of the Act. Thus, the writ petitioner has to approach the competent Cooperative Tribunal for the purpose of assailing the impugned order passed by the competent authority under Section 87 of the Act. No writ petition can be entertained before exhausting the statutory remedy which is provided under the Act. It is undoubtedly evident in view of the fact that the Principal District Judges are designated as Special Cooperative Tribunal. The Principal District Judge being the judicial officer is competent to adjudicate the matter in the manner prescribed and deliver a judgment in this regard.

4. This being the principles and the procedures to be followed, the writ petition at this stage cannot be entertained and the writ petitioner is at liberty to approach the competent Cooperative Tribunal for the purpose of adjudicating the issues raised in the present writ petition. In the event of filing any such application to condone the delay, the period of pendency of this writ petition also shall be taken into consideration and suitable orders may be passed for the purpose of entertaining the appeal to be filed under Section 152 of the Act.

5. With this liberty, the writ petition stands disposed of. The Registry is directed to return the original copy of the impugned order to the learned Counsel on record who filed the writ petition. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

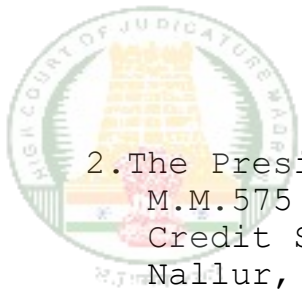
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Sub Assistant Registrar(CS)

To

1. The Deputy Registrar,
Co-operative Societies,
Aranthangi Circle,
Kamatchiamman Koil Street,
Aranthangi, Pudukottai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The President,
M.M.575 Nallur Primary Agricultural Co-operative
Credit Society,
Nallur,
Nallur Post,
Ponnamaravathi Taluk,
Pudukottai District.

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

+1 CC to SPL GP SR-78856.

W.P[MD]No.20209 of 2015
30.07.2019

CS(28.08.2019) 2P 4C