



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)Nos.12047 and 12072 of 2017

and

W.M.P. (MD)Nos.9276, 9298 & 9299 of 2017 and 3803 of 2018

WEB COPY

W.P. (MD)No.12047 of 2017:-

O.1003 Lakshmipathi Co-operative Stores,
Rep. by its President,
R.Mariraj,

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai - 600 010.

2.The Joint Registrar of Co-operative Societies,
Tirunelveli.

3.Meenakshi Sundaram
4.Nallasivan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the impugned order passed in Na.Ka.955/2016/Sa.Pa., dated 31.05.2017, on the file of the second respondent herein and quash the same as illegal.

For Petitioner : Mr.A.S.Vaigunth

For R1 and R2 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R3 : Mr.K.R.Laxman

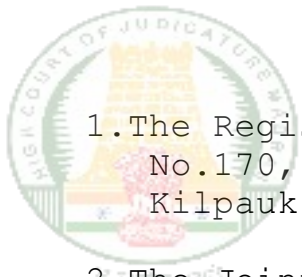
For R4 : Mr.K.Gurunathan

W.P. (MD)No.12072 of 2017:-

Meenakshi Sundar

... Petitioner

Vs.



1.The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai - 600 010.

2.The Joint Registrar of Co-operative Societies,
Tirunelveli.

3.O.1003 Lakshmipathi Co-operative Stores,
Rep. by its President,
R.Mariraj,

4.Nallasivan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the impugned order passed in Na.Ka.955/2016/Sa.Pa., dated 31.05.2017, on the file of the second respondent herein and quash the same as illegal.

For Petitioner : Mr.K.R.Laxman

For R1 and R2 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R3 : Mr.A.S.Vaigunth

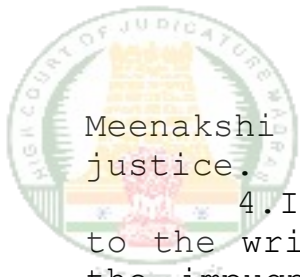
For R4 : Mr.K.Gurunathan

COMMON ORDER

These Writ Petitions have been filed seeking to quash the impugned order passed by the second respondent, in Na.Ka.955/2016/Sa.Pa., dated 31.05.2017.

2.According to the petitioners in both the Writ Petitions, the petitioner in W.P.(MD)No.12072 of 2017 viz., Meenakshi Sundar was not impleaded as party in the revision petition filed by the fourth respondent before the revisional authority. The petitioners have also raised other grounds in the Writ Petitions, seeking to set aside the impugned order passed by the second respondent.

3.The learned counsel appearing for the parties agreed that the fourth respondent was not impleaded the petitioner in W.P.(MD) No.12072 of 2017 viz., Meenakshi Sundar, as a party before the revisional authority and the revisional authority without giving an opportunity to the said Meenakshi Sundar, passed adverse order against the Society as well as the against the aforesaid Writ Petitioner. Challenging the said impugned order, the Society has filed W.P.(MD)No.12047 of 2017 and the said Meenakshi Sundar has filed W.P.(MD)No.12072 of 2017 before this Court and put forth their contentions that the revisional authority has passed the impugned order without giving an opportunity to the said



Meenakshi Sundar, thereby, violating the principles of natural justice.

4. In view of the fact that an opportunity was not granted to the writ petitioner in W.P.(MD)No.12072 of 2017 on the ground, the impugned order is liable to be quashed. At this juncture, learned counsel for the petitioner in W.P.(MD)No.12072 of 2017 undertakes before this Court that if any impleading application is filed by the fourth respondent before the revisional authority, on receipt of notice, he will submit his no objection to implead as a party before the revisional authority, within a period of four weeks thereafter. The said submission is recorded and this Court is inclined to pass the following orders:-

(a) The impugned order passed by the second respondent is quashed and the matter is remitted back to the second respondent for fresh consideration.

(b) The fourth respondent is directed to file an application to implead the petitioner in W.P.(MD)No.12072 of 2017 viz., Meenakshi Sundar, as a party respondent in the aforesaid revision petition, within a period of two weeks from the date of receipt of a copy of this order.

(c) If any such application is filed, the revisional authority shall pass appropriate orders for impleading the petitioner in W.P.(MD)No.12072 of 2017 viz., Meenakshi Sundar as a party respondent in the revision petition, within a period of four weeks thereafter.

(d) The second respondent shall pass final orders in accordance with the provisions of law, after providing an opportunity to all the parties concerned, within a period of 12 weeks thereafter.

5. These Writ Petitions are allowed with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai - 600 010.



2.The Joint Registrar of Co-operative Societies,
Tirunelveli.

+1 CC to M/s.K.R. LAXMAN, Advocate (SR-82678[F] dated
21/08/2019)

+2 CC to M/s.K. GURUNATHAN, Advocate (SR-82761,82762[F] dated
21/08/2019)

+1 CC to M/s.SPL GP (SR-83171,73172[F] dated 22/08/2019)

smn2

Common order
W.P. (MD)Nos.12047 and 12072 of 2017
20.08.2019

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