

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P.No.13765 of 2020 and

W.M.P.Nos.17106 and 17536 of 2020

G.Thamburaj

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Cuddalore Zone, Cuddalore.

2.The Deputy Registrar of Co-operative Societies,
Cuddalore, Cuddalore District.

3.The President,
E-2610, Vasantharayanpalayam Urban,
Co-op. Credit Society Ltd.,
Cuddalore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records of the impugned surcharge proceedings issued by the 2nd Respondent through his proceedings Na.Ka.No.3222/2018 sa.pa. Dated 13.01.2020 under Section 87 of Tamil Nadu Co-operative Societies Act, 1983 and quash the same.

For Petitioner : Mr.P.Gurunathan

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

This Writ Petition has been filed against the impugned order passed by the second respondent in exercise of the powers under Section 87(1) of the Tamil Nadu Co-operative Societies Act, 1983.

2.Heard Mr.P.Gurunathan, learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the respondents.

3.Even though various contentions were raised by the learned counsel for the petitioner touching upon the merits of the case, this Court is not inclined to entertain this writ petition, in view of the fact that there is an effective alternative remedy available to the petitioner under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983. The matter involves appreciation of facts and therefore, the petitioner has to

avail the efficacious alternative remedy, before approaching this Court.

4.In view of the same, without going into the merits of the case, this Writ Petition is disposed of by giving liberty to the petitioner to approach the appropriate authority under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983 and file an appeal and workout his remedy in accordance with law. The petitioner shall file the appeal under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983 on or before 16.10.2020 and the appropriate authority shall deal with the same strictly in accordance with law.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

Sgl

To

- 1.The Joint Registrar of Co-operative Societies,
Cuddalore Zone, Cuddalore.
- 2.The Deputy Registrar of Co-operative Societies,
Cuddalore, Cuddalore District.
- 3.The President,
E-2610, Vasantharayanpalayam Urban,
Co-op. Credit Society Ltd.,
Cuddalore.

+1 cc to Special Government Pleader (Co-OP) sr33297
+1 cc to Mr.P.Gurunathan Advocate sr33373
+1 cc to M/s.L.P.Shanmugasundaram Advocate sr33569

W.P.No.13765 of 2020

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