

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.15282 of 2020
and WMP.No.19109 of 2020

The President,
9841, Karadivavi PACB Ltd.,
Karadivavi.

... Petitioner

Vs

1. The Deputy Registrar of Cooperative
Societies (Housing),
Palladam Road,
Tiruppur.

2 D.Thilagavathi

3 D.Keethi

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records relating to order dated 10.02.2020 passed in Co-op. C.M.A.No.53 of 2012 on the file of Principal Sessions Judge, Tiruppur and quash the same.

For Petitioner : Mr.K.Sudhakar

For R1 : Mr.R.Bala Ramesh
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the Principal Sessions Judge, Tiruppur, in his capacity as the Tribunal exercising jurisdiction under Section 152 of the Tamil Nadu Co-operative Societies Act. The Division Bench of this Court in the Judgment in E.S.Sundara Mahalingam Vs. Special Tribunal for Co-operative Case District Judge, Tirunelveli and others reported in 2020 1 CWC 417 has held that as against the order of the Tribunal, only a petition under Article 227 is maintainable and a writ petition cannot be maintained.

2. In view of the above, liberty is granted to the petitioner to withdraw this writ petition and file a fresh petition under Article 227 of the Constitution of India. The Registry is directed to hand over the original order passed in the appeal to the learned counsel for the petitioner in order to enable the petitioner to file CRP under Article 227 of the Constitution of India. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp

To
The Deputy Registrar of Cooperative Societies (Housing),
Palladam Road,
Tiruppur.

+1 cc to M/s.K.Sudakar, Advocate Sr.No. 35763

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CP(CO)
RMP(11/12/2020)



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