

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.16768 of 2020 &
WMP.No.20779 of 2020

P.Gnanasekaran
S/o.Paramasivam Sengamedu Avinangudi Post
Tittagudi Taluk Cuddalore District. Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies, Chidambaram Circle
Chidambaram Cuddalore District.
2. The President
E-2673 Srimushnam Primary Agricultural
Cooperative Credit Society Srimushnam and
Post Cuddalore District. ... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus Calling for the entire records relating to the impugned order passed by the 1st Respondent in his proceedings Na.Ka.616/2019/Sa.Pa dated 10.07.2020 in so far relates to petitioner is concerned and quash the same.

For Petitioner : Mr. C.Prakasam

For Respondents: Mrs.T.Girija, AGP for R1
Mr.L.P.Shanmugasundaram,
Special Government Pleader
(Co-op) for R2

O R D E R

This Writ Petition has been filed against the impugned order passed by the 1st respondent dated 10.07.2020 under Section 87 of the Cooperative Societies act, 1983.

2. Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mrs.T.Girija, Addl. Govt. Pleader appearing for the 1st respondent and Mr.L.P.Shanmugasundaram, learned Addl.Govt. Pleader (Co-op) appearing for the 2nd respondent.

3. The learned counsel for the petitioner raised various grounds while attacking the order of the 1st respondent. The learned counsel also submitted that the impugned order passed by the 1st respondent is vitiated since it is against the principles of natural justice and the order has been passed without giving any opportunity to the petitioner. In the considered view of this Court, this Court does not want to go into the merits of the case, since there is an effective alternative remedy available to the petitioner under Section 152 of the Tamil Nadu Cooperative Societies Act. The petitioner can raise all these grounds by way of filing an appeal before the Cooperative Tribunal.

4. In view of the above, the petitioner is directed to file an appeal before the Cooperative Tribunal under section 152 of Tamil Nadu Cooperative Societies Act on or before 14.12.2020. It is left open to the petitioner to raise all the grounds in the appeal. The Tribunal shall complete the proceedings within a period of six months from the date of filing of the appeal by the petitioner and the Tribunal shall deal with the appeal on its own merits and in accordance with law.

This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

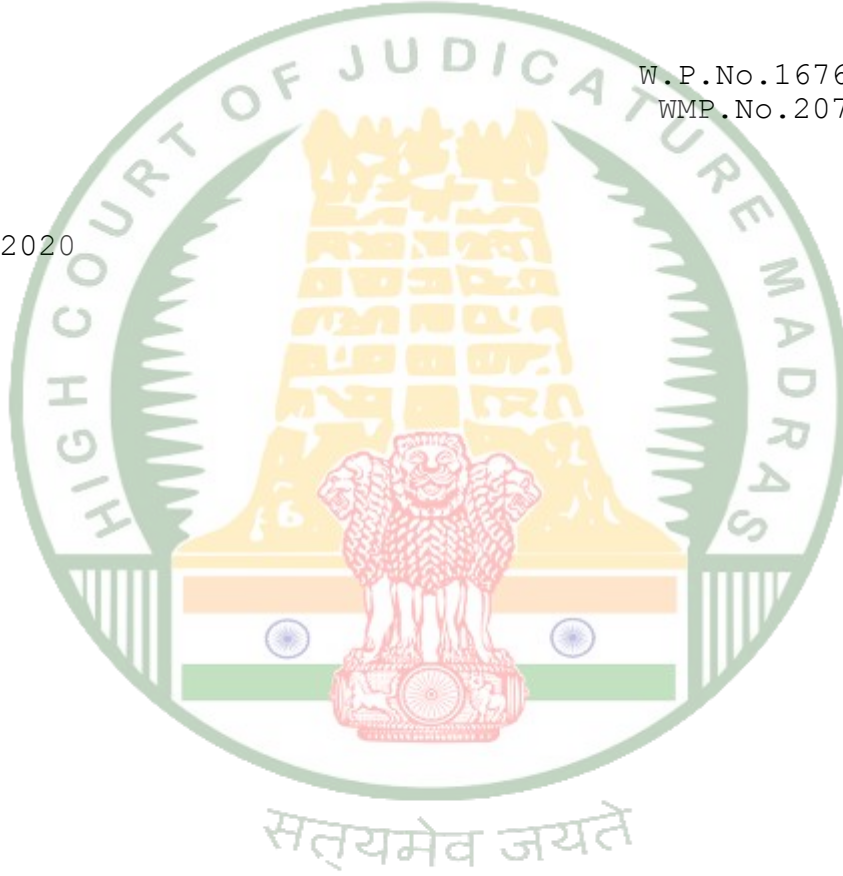
The Deputy Registrar of Cooperative
Societies, Chidambaram Circle
Chidambaram Cuddalore District.

2. The President,
E-2673 Srimushnam Primary Agricultural
Cooperative Credit Society Srimushnam and
Post Cuddalore District.

+1cc to the Special Government Pleader Sr.38216

W.P.No.16768 of 2020 &
WMP.No.20779 of 2020

ssd[co]
srg 08/12/2020



WEB COPY