



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Second day of January Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKEVALU

WP No.31613 of 2019

and WMP.NO.31824/2019

A.SUBRAMANI

[PETITIONER IN BOTH THE PETITIONS]

Vs

1 THE DEPUTY REGISTRAR OF [RESPONDENTS IN BOTH THE PETITIONS]
CO-OPERATIVE SOCIETIES, (HOUSING),
SALEM REGION, SALEM - 636016

2 THE MANAGEMENT,
NO. S.1523. DR. AMBEDKAR SALEM CITY
COOPERATIVE, HOUSE BUILDING SOCIETY LTD.,
SALEM - 636016

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorari

(1) Calling for the entire records relating to the impugned Decree and Judgement passed by the Learned Prl. District Judge, Salem in C.M.A.CS.No. 14 of 2012 dated 11.04.2019 confirming the impugned orders passed by the 1st respondent in his proceedings in Na.Ka.No. 1244/ 2008/ E dated 27.09.2012 and quash the same (in WP.31613/2019) and;

(2) To grant an Interim Stay of operation of all further proceedings pursuant to the impugned passing of the Decree and Judgement passed by the Learned Prl. District Judge, Salem in C.M.A.CS.No. 14 of 2012 dated 11.04.2019 confirming the impugned orders passed by the 1st respondent in his proceedings in Na.Ka.No. 1244/ 2008/ E dated 27.09.2012 (in WMP.31824/2019) pending disposal of the above WP.31613/2019 respectively.



Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.K.PREMKUMAR, Advocate for the petitioner and of MR.L.P.SHANMUGHA SUNDARA, SPECIAL GOVERNMENT PLEADER on behalf of the 1st Respondent the court made the following order:-

The order challenged in the Writ Petition has been passed by the Principal District Judge, Salem, as Co-operative Tribunal under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983. The Hon'ble Supreme Court of India in Life Insurance Corporation of India vs. Nandhini J. Shah [(2018) 15 SCC 356] has held that judicial order of Civil Court is not amenable to Writ of Certiorari under Article 226 of the Constitution of India, but the same could be impeached in proceedings under Article 227 of the Constitution of India before the Jurisdictional High Court.

2. In view of the aforesaid legal position, Registry is directed to de-register the Writ Petition and return the papers to the Learned Counsel for the Petitioner so as to enable them to re-submit the same as Civil Revision Petition under Article 227 of the Constitution of India with necessary requirements as per the rules within a period of 15 days from the date of collecting papers from the Registry.

-sd/-

02/01/2020

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES, (HOUSING),
SALEM REGION, SALEM - 636016

2 THE MANAGEMENT,
NO. S.1523. DR. AMBEDKAR SALEM CITY
COOPERATIVE, HOUSE BUILDING SOCIETY LTD.,
SALEM - 636016

3 THE PRINCIPAL DISTRICT JUDGE,
SALEM.



4 THE ASSISTANT REGISTRAR (AS)
WRIT SECTION, HIGH COURT, MADRAS

5 THE ASSISTANT REGISTRAR (WRIT)
WRIT SECTION, HIGH COURT, MADRAS 104.

The SPECIAL GOVERNMENT PLEADER, High Court, Madras

Order
in
WP.31613/2019

and WMP.31824/2019

Date :02/01/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 08/01/2020 (IT)