



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Third day of January Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKEVALU

WP No.35709 of 2019
AND WMP.NOs.36626 and 36627 of 2019

1 P.ANANDAM [PETITIONER IN ALL THE PETITIONS]

Vs

1 THE DEPUTY REGISTRAR OF [RESPONDENTS IN ALL THE PETITIONS]
COOPERATIVE SOCIETIES (HOUSING),
TANJORE, TANJORE DISTRICT.

2 THIRUTURAIPOONDI TALUK COOPERATIVE,
HOUSING SOCIETY,
SAHSG 95, REP. BY THE SPECIAL OFFICER,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

Writ petitions under article 226 of the Constitutions of India
praying that in these circumstances stated therein and in the
respective affidavits filed their with the High Court will pleased
to

(I) Issue a writ, order or direction specifically writ in the
nature of WRIT OF CERTIORARI calling for the records relating to
the impugned surcharge order dated in 18.09.2015 made in Tha. Va.
3/2015 (Na.Ka.No. 2666/1999 Sa.Pa.) passed by the 1st respondent,
confirmed in the judgment and decree dated 29.03.2019 made in
C.M.A. No. 21 of 2017 passed by the learned Principal District
Judge/ Special Tribunal for Cooperative Cases, Thiruvarur, quash
the same IN WP.NO.35709 OF 2019.

(II) to dispense with the production of the original surcharge
order dated 18.09.2015 made in Tha. Va. 3/2015 (Na.Ka.No. 2666/1999
Sa.Pa.) passed by the 1st respondent in this writ petition IN
WMP.NO.36626 OF 2019 AND;



(III) to stay the impugned surcharge order dated in 18.09.2015 made in Tha. Va. 3/2015 (Na.Ka.No. 2666/1999 Sa.Pa.) passed by the 1st respondent, confirmed in the judgment and decree dated 29.03.2019 made in C.M.A. No. 21 of 2017 passed by the learned Principal District Judge/ Special Tribunal for Cooperative Cases, Thiruvarur, (IN WMP.NO.36627 OF 2019) pending disposal of this writ petition NO.35709 OF 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 N.MANOCHARAN, Advocate for the petitioner the court made the following order:-

The order challenged in the Writ Petition has been passed by the Principal District Judge, Thiruvarur, 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/-

03/01/2020

/ TRUE COPY /

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

TO

1 THE DEPUTY REGISTRAR OF
COOPERATIVE SOCIETIES (HOUSING), TANJORE,
TANJORE DISTRICT.

2 THE SPECIAL OFFICER,
THIRUTURAIPOONDI TALUK COOPERATIVE,
HOUSING SOCIETY, SAHSG 95,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.



3 THE PRINCIPAL DISTRICT JUDGE,
THIRUVARUR,

WEB COPY

C.C. to N.MANOCHARAN Advocate on payment of necessary charges

Order

in

WP No.35709 of 2019
AND WMP.NOs.36626 and 36627 of 2019

Date :03/01/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VC (13/01/2020)