



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No. 6862 of 2020

and

W.M.P.(MD).Nos.6269 & 6272 of 2020

K.Manoranjitham

...Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Karur Circle, Karur.

2.The Deputy Registrar of Co-operative Societies,
Karur Circle, Karur.

3.The President,
Y.K.165, Karur District All Noon Meal Employees,
Co-operative Thrift and Credit Society,
Thanthondrimalai, Karur.

...Respondents

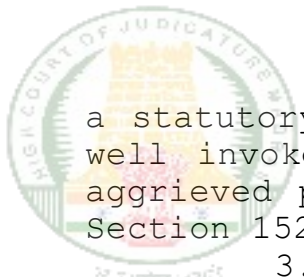
PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records on the file of the second respondent in connection with the impugned surcharge order passed in his proceedings in Na.Ka.No,1704/2019/Sapa dated 08.04.2020 (received on 20.04.2020 as in person) and quash the same.

For Petitioner : Mr.K.Gurunathan
for M/s.M.Palaniselvam
For R-1 & R-2 : Mr.M.Rajarajan
Government Advocate
For R-3 : Mrs.J.Padmavathi Devi
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner as well as the learned Government Advocate appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the third respondent.

2. What is under challenge in this Writ Petition is the surcharge order passed under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983. The learned counsel appearing for the writ petitioner has raised very many grounds in the affidavit filed in support of the Writ Petition. I am of the view that since



a statutory remedy of appeal is available, the petitioner can very well invoke the said remedy. Questioning the surcharge order, the aggrieved party can very well move the Co-operative Tribunal under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983.

3. The petitioner's counsel expresses his difficulty that in view of the current pandemic situation, the petitioner is not able to avail the said remedy. I find considerable force in the said contention. Therefore, I am of the view that the petitioner can be granted time to move the said Co-operative Tribunal.

4. Therefore, this Writ Petition is closed by permitting the petitioner to move the Tribunal within a period of thirty days after the lock down is lifted and of course, the Court should also have resumed the physical hearing by then. If the Court has not resumed the physical hearing, it is difficult for the petitioner to file the appeal. The petitioner should however file his statutory appeal within a period of thirty days after the Court resumes their physical hearing. The impugned order shall be kept in abeyance till then and will not be given effect to. The petitioner's counsel on instructions states that the respondents are attempting to attach the property in question. I make it clear that the respondents will not alienate the properties that are standing in her name for a period of two months till after the appeal is filed. It is open to the petitioner to pray for interim relief in the appeal.

5. With these observations and directions, the Writ Petition stands closed. I make it clear that I have not gone into the merits of the case. All the petitioner's contentions and defences are left open. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Joint Registrar of Co-operative Societies,
Karur Circle, Karur.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Registrar of Co-operative Societies,
Karur Circle, Karur.

3.The President,
Y.K.165, Karur District All Noon Meal Employees,
Co-operative Thrift and Credit Society,
Thanthondrimalai, Karur.

+1 CC to M/s.M.PALANISELVAM, Advocate (SR-13172[F] dated 21/07/2020
)

ORDER MADE IN
W.P. (MD) .No.6862 of 2020
20.07.2020

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KK(27.07.2020) 3P 5C