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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2021

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.A.No.1227 of 2021
and
W.M.P.No.7836 of 2021

V.Marks

...Appellant

vs.

1.The Registrar of Co-operative Societies,
170, EVR Periyar High Road,
Kilpauk, Chennai - 600 010

2.The Joint Registrar of Co-operative Societies,
Kancheepuram District,
Kancheepuram

3.The Deputy Registrar of Co-operative Societies,
Kancheepuram Circle,
Kancheepuram District

...Respondents

Prayer: Writ appeal is filed under clause 15 of the Letter Patent praying to set aside the order passed by the Honourable Court in W.P.No.15242 of 2020 dated 28.10.2020.

Prayer in WP.15242 of 2020: Writ Petition filed under Article 226 of the Constitution of India Praying to issue a writ of certiorari to call for the records relating to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.4342/ 2020/ Sapa dated 10.09.2020 and to quash the same.

For Appellant : Mr. G.Sankaran

For Respondents: Mr.K.Tippu Sultan
Government Counsel



JUDGMENT

(Judgement of the Court was made by S.VAIDYANATHAN, J.)

Instant writ appeal is directed against the order dated 28.10.2020 made in W.P.No.15242 of 2020.

2. When the matter is taken up for hearing, it is represented by Mr.Sankaran, learned counsel for the appellant that the power under Section 76-A of the TNCS Act, 1983 has been wrongly invoked by the second respondent to suspend the appellant herein and the said action of the second respondent has been confirmed by the learned Single Judge. Aggrieved by the order passed in the writ petition, the appellant is before this Court.

3. In the midst of argument, he further submitted that there was a subsequent order dated 10.09.2020 passed by the second respondent and therefore, liberty may be given to the appellant to challenge the subsequent order dated 10.09.2020 so as to reserve his rights to put forth his argument against the said subsequent order dated 10.09.2020.

4. In view of the above submission, this Court, without rendering any finding on merits that has been raised in the writ petition is inclined to dispose of the Writ Appeal with liberty to the appellant/writ petitioner to challenge the subsequent order dated 10.09.2020 based on the documents available with him both factually and legally.

5. Accordingly the writ appeal is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

dpq

To

1.The Registrar of Co-operative Societies,
170, EVR Periyar High Road,
Kilpauk, Chennai - 600 010

2.The Joint Registrar of Co-operative Societies,
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3.The Deputy Registrar of Co-operative Societies,
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and
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PM(CO)
SB(06/12/2021)