



W.P. No.15776 of 2010

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MOHAMMED SHAFFIQ, J.

It is submitted by the learned counsel for the petitioner that the writ petition is filed challenging the judgment in C.M.A.(CS)No.4/2008 dated 28.01.2010 made by the learned Principal District Judge, Co-Operative Tribunal, Namakkal. The learned counsel for the petitioner submits that against the impugned order, the appropriate remedy may be under Article 227 of the Constitution of India and not under Article 226 of the Constitution of India as held by this Court in the case of ***E.S.Sundara Mahalingam Vs. Special Tribunal for Co-operative Cases (District Judge), Tirunelveli and Others (2020 1 MLJ 438)***. Subsequently, this has been followed by the learned Single Judge of this Court, in W.P. No.11590 of 2009, wherein it was directed to treat the writ petition as one under Article 227 of the Constitution of India.

2. In view of the same, this writ petition filed in terms of Article 226, is not maintainable, however by concurrence expressed by both Mr.S.Palaniswamy, learned counsel appearing for the petitioner and Mr.Balathandayutham, Special Government Pleader appearing for the



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second respondent, this matter be placed by the Registry before the appropriate portfolio/Judge after obtaining appropriate orders from the Hon'ble The Chief Justice.

3. In line with the aforesaid, let the process of numbering of the present writ petition as the Civil Revision Petition (CRP) take place expeditiously. The listing of the matter shall be subject to appropriate orders in this regard from the Hon'ble The Chief Justice.

19.11.2021

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