



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

PRESENT

THE HON'BLE DR.JUSTICE ANITA SUMANTH

WP.Nos.4252 & 4253 of 2004

S.RAJESWARI

[PETITIONER IN BOTH THE PETITIONS]

Vs

1 THE DEPUTY REGISTRAR OF [RESPONDENTS IN BOTH THE PETITIONS]
CO OPERATIVE SOCIETIES (CREDIT),
CHENNAI-20.

2 THE MANAGING DIRECTOR, SOCIAL
WELFARE DEPARTMENT EMPLOYEES CO-OPERATIVE
SOCIETY, 485, ANNASALAI, NANDANAM, CHENNAI-35.

3 THE STATE CO-OPERATIVE APPELLATE
TRIBUNAL, REP BY ITS PRESIDING
OFFICER, CITY CIVIL COURT BUILDINGS,
CHENNAI-104.

Writ Petition under article 226 of the Constitution of India praying that in these circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue appropriate writs, orders or directions and in particular issue a Writ in the Nature of CERTIORARI calling for records relating to the Decree and judgment dt.22.10.03 of the 3rd respondent passed in STCA.No.17 of 1997 and Quash the same as being illegal, arbitrary and unjust (WP.No.4252/2004)

(2) To issue appropriate writs, orders or directions and in particular issue a Writ in the Nature of CERTIORARI calling for records relating to the Decree and judgment dt.22.10.03 of the 3rd respondent passed in STCA.No.18 of 1997 and Quash the same as being illegal, arbitrary and unjust (WP.No.4253/2004)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.GAVARDANAN for M/S.ROW & REDDY, Advocate for the petitioner and of MR.C.SELVARAJ, Government Advocate on behalf of the Respondents the court made the following order:-

The challenge in these matters is to orders passed by the State Co-operative Appellate Tribunal dated 22.10.2003. I have in a



very similar circumstances in W.P.No.7244 of 2009 passed an order on 03.09.2021, reading as follows:

Heard Mr.J.Saravana Vel, learned counsel for the petitioner and Mr.S.Ravi, learned counsel for M/s.Gupta & Ravi (Law Firm) for R3 .

2.The order of the Principal District Judge, Vellore District, Vellore passed in CTA.No.1 of 2000 dated 08.09.2003 and the order of the Deputy Registrar of Co-operative Societies in ARC.No.204/96-97 dated 29.06.1998 are assailed before me in this writ petition.

3. Preliminary submissions have been made on the maintainability of this writ petition under Article 226 of the Constitution of India. My attention is drawn to a decision of a First Bench of 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), wherein the identical issue in regard to maintainability of a writ appeal challenging an order of the learned Single Judge had been heard by the Bench. In that case, the learned Single Judge had dismissed the writ petition, however, on merits, not touching upon the aspect of maintainability.

4. When a writ appeal had been filed by the aggrieved party, the papers were returned by the Registry questioning the maintainability of the writ petition and the matter came up for maintainability before the Court. The issue was heard in extenso by the Bench and after consideration of various judgments, the Bench decided the issue as to whether a challenge to an order passed by a Special Tribunal, being a Tribunal within the meaning of Article 227 (one of the Constitution of India) would be maintainable under Article 226 or Article 227.

5.The conclusion is set out at paragraph-5, wherein the Bench states categorically that such a challenge would lie only before the learned Judge holding portfolio for matters falling under Article 227 of the Constitution of India. At paragraphs-5 and 6 it is stated as follows:

'5.Applying the ratio of the decisions referred to above, in the present case, there is no doubt that the order was passed by the Special Tribunal Chaired by the learned District Judge and therefore, a writ petition



2. Thus, and as the rationale of the aforesaid order is applicable on all fours to the present matters, the aforesaid directions are taken to be passed in these matters as well.

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01/10/2021
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Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DEPUTY REGISTRAR OF
CO OPERATIVE SOCIETIES (CREDIT),
CHENNAI-20.

2 THE MANAGING DIRECTOR, SOCIAL
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CITY CIVIL COURT BUILDINGS,
CHENNAI-104.

Order
in
WP.Nos.4252 & 4253 of 2004
Date :01/10/2021

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