



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.2001 of 2015

The Management of
Sri Natesar Mills Employees and
the Erode District Medical Employees
Coop. Stores Limited,
Rep. by its President,
Chinna Muthu Main Veedi,
Idayankattu Valasu,
Erode - 638 011.

...Petitioner

-Vs-

1.Mr.R.Mohankumaran

2.The Deputy Registrar of Coop.
Societies,
Erode Circle,
Muthu Mariamman Koil Street,
Thirunagar Colony,
Erode - 638 003.

3.The Principal District and
Sessions Judge of Erode,
Erode.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 21.01.2014 made in CMA.(CS).No.35 of 2013 on the file of Principal District and Sessions Judge, Erode, the third respondent and quash the same, restore the surcharge order and direct the first respondent to pay the liability found due under the surcharge proceedings.

For Petitioner	: Mr.K.V.Ananthakrushnan
For R1	: Mr.G.B.Saravanabhavan
For R2	: Mr.S.Jayachandran, Government Advocate
For R3	: Mr.E.P.Senniyangiri



ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. In the case of E.S.Sundara Mahalingam Vs. The Special Tribunal for Co-operative Cases, Tirunelveli and two others, passed in W.A.No.4021 of 2019, dated 22.11.2019, the Hon'ble Division Bench of this Court had held that a writ petition under Article 226 of the Constitution of India cannot be maintained against the order passed in an appeal by the Special Tribunal for Co-operative Cases, which is headed by a learned District Judge.

3. In this background, the learned counsel for the petitioner seeks liberty to file an appropriate application for conversion of the present writ petition into a revision under Article 227 of the Constitution of India. The request of petitioner is hereby granted.

4. Accordingly, the Writ Petition stands closed with liberty to the petitioner to file a fresh Civil Revision Petition under Article 227 of the Constitution of India, within a period of 30 days from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk

To:

1.The Deputy Registrar of Coop. Societies,
Erode Circle,
Muthu Mariamman Koil Street,
Thirunagar Colony,
Erode - 638 003.



2.The Principal District and
Sessions Judge of Erode,
Erode.

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Copy to

The Section Officer

ER Section

High Court, Madras 104.

(with the direction to return the Original impugned order to the
Counsel for the Petitioner)

+1 CC to The Government Pleader sr 68661.

W.P.No.2001 of 2015

SSV(CO)
SP(23/12/2021)