



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM :

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.35425 OF 2016 & WMP.No.30491 of 2016

D. Muthulalitha

... Petitioner

Vs

1 The Joint Registrar of Cooperative Societies,
Tiruppur Region,
Tiruppur,
Tiruppur District.

2 The President,
K. 2040 Manickkapurampudur Primary Agricultural
Cooperative Credit Society,
Manur Post - 641 606,
Vijayapuram Via,
Tiruppur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.5994/2014/Vae.1, dated Nil.05.2016 whereby confirming the order passed by the 2nd respondent in his proceedings No. Nil, dated 22.12.2014 and quash the same and consequently direct the respondents to reinstate the petitioner into service as Secretary in the 2nd respondent society with backwages, attended benefits and other monetary benefits.

For Petitioner : Mr.C. Prakasam

For Respondents : Mr.K.Tippu Sultan,
Government Advocate
for Mr.L.P. Shanmuga Sundaram
for R1 and R2

ORDER

The order of punishment passed by the second respondent came to be confirmed in the first respondent's revision filed by the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act.

2. The learned counsel for the petitioner submitted that,



pending the Writ Petition wherein he had challenged the original order of punishment issued by the second respondent, as confirmed in Revision by the first respondent herein, certain new and important facts have been discovered and there has been many defects in the society which could not be brought to the notice of either the second or the first respondent herein. In such situation, it is to be seen that Section 154 of the Tamil Nadu Co-operative Societies Act provides the manner of review of any order passed either under Section 152 or 153 on the basis of the discovery of new and important facts which, after the exercise of due diligence were not then within his knowledge or could not be produced by him when the order was made or on the basis of some mistake or error apparent on the face of the record or for any other sufficient reason.

2. Since the petitioner herein claims that there have been sufficient defects in the society which were not within his knowledge and which may have relevancy on the present case on hand, this Court is of the view that the petitioner may be permitted to prefer a Review under Section 154 of the Act against the order passed under Section 153.

3. In view of this, the grounds raised by the petitioner herein does not require to be addressed for the present.

4. In the light of the above observations, the petitioner is hereby granted liberty to make appropriate application under Section 154 of the Act for review of the order of the first respondent dated May, 2016 within 30 days from the date of receipt of this order. On receipt of such application for Review, the first respondent herein shall endeavour disposing of the proceedings as expeditiously as possible. The Writ Petition stands disposed of. No costs. Connected MP is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mrn

To

- 1 The Joint Registrar of Cooperative Societies,
Tiruppur Region,
Tiruppur,
Tiruppur District.



2

The President,
K. 2040 Manickkapurampudur Primary Agricultural
Cooperative Credit Society,
Manur Post - 641 606,
Vijayapuram Via,
Tiruppur District.

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+1cc to Mr.C.Prakasam, Advocate, S.R.No. 32709

W.P.No.35425 OF 2016

UM(CO)
GN(13/08/2021)