



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.15928 of 2021

and

W.M.P Nos.16829 & 16830 of 2021

M.Sampath

... Petitioner

Vs.

1. Tamil Nadu Co-operative Societies Tribunal,
Dharmapuri.
2. The Deputy Registrar,
Tamil Nadu Co-operative Societies,
Dharmapuri Region, Dharmapuri District.
3. The Special Officer,
K.K.156, Sungara Hally Primary Agricultural
Co-operative Bank Ltd.,
Sungarahally, Sillarahalli Post,
Dharmapuri District.

... Respondents

Prayer: Writ 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 Judgement and Decree made in C.M.A.(CS) No.2/2012 passed by the 1st respondent in confirming the award made in Na.Ka.No.11783/2003/Sa.Pa.2 dated 12.08.2011 passed by the 2nd respondent quash the same and consequently reinstate the petitioner in service.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.D.Selvendiran
Government Advocate for R1 & R2

Mr.D.Ravichander
Government Advocate for R3

ORDER

By consent of both sides, this writ petition is taken up for final disposal.



2.The subject matter of challenge in the present writ petition is the order passed by the Special Tribunal under Section 152 of the Co-operative Societies Act. The Division Bench judgement of this Court in the case of E.S.Sndara Mahalingam vs. The Special Tribunal for Co-operative Cases (District Judge) Tirunelveli and others reported in 2020 (1) CWC 417 has categorically held that as against an order passed under Section 152 of the Co-operative Societies Act, only a petition under Article 227 of the Constitution of India is maintainable and a writ petition cannot be maintained.

3.In view of the above, liberty is granted to the petitioner to challenge the order passed by the Tribunal by filing an appropriate petition under Article 227 of the Constitution of India. If the original order has been filed in the writ petition, the same shall be returned to the learned counsel for the petitioner in order to enable the learned counsel to file the petition under Article 227 of the Constitution of India.

4.This writ petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

ssr

To

1. Tamil Nadu Co-operative Societies Tribunal,
Dharmapuri.
2. The Deputy Registrar,
Tamil Nadu Co-operative Societies,
Dharmapuri Region, Dharmapuri District.



3. The Special Officer,
K.K.156, Sungara Hally Primary Agricultural
Co-operative Bank Ltd.,
Sungarahally, Sillarahalli Post,
Dharmapuri District.

+1cc to Mr.P.Dinesh Kumar, Advocate, S.R.No.38227

+1cc to the Government Pleader, S.R.No.38039

W.P No.15928 of 2021
and
W.M.P Nos.16829 & 16830 of 2021

PCH (CO)
SU(27/08/2021)