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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21352 of 2021

and

W.M.P.No.22598 of 2021

Brijesh Kumar Yadav

.. Petitioner

-Vs-

1.C.G.T/H.S.G-50 M.R.F.Employees
Co-operative Housing Society
Thiruvottiyur, Chennai - 600 019.

2.Sundaravadivelu
Special Officer, M.R.F.Employees
Cooperative Housing Society
Thiruvottiyur, Chennai-600 019.

3.The General Secretary
MRF Employees Union
No.37, Pattinathar Kovil Street
Thiruvottiyur, Chennai-600 019.

4.The Deputy Registrar
Co-operative Societies (Housing)
/ Arbitrator, Vedachala Nagar
Chengalpet-603 101.

5.The Registrar
Co-operative Societies (Housing)
No.48, Ritherdon Road
Vepery, Chennai-600 007.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records in Na.Ka.No.5142/2019/SAPA1



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dated 07.06.2021 on the file of the 5th respondent and quash the same as illegal and against law.

For Petitioner : Mr.S.Ramesh Kumar

For Respondents : Mr.Jayaprakash
Government Advocate – for R1

Mr.A.Selvendran
Government Advocate – for RR2 to 5

O R D E R

This writ petition has been filed challenging the order passed by the fifth respondent under Section 152 of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter called as 'the Act').

2. The Division Bench of this Court, in “E.S.Sundara Mahalingam -vs- Special Tribunal for Cooperative Cases (District Judge)” reported in 2020 (1) C.W.C. Page 417 has held that, as against the order passed by the Tribunal under Section 152 of the Act, only a revision will lie under Article 227 of the Constitution of India and a writ petition is not maintainable.

3. In view of the above, liberty is granted to the petitioner to file a Civil Revision Petition under Article 227 of the Constitution of India and challenge the order passed by the Tribunal.

4. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST



To

1.C.G.T/H.S.G-50 M.R.F.Employees
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Co-operative Societies (Housing)
No.48, Ritherdon Road
Vepery, Chennai-600 007.

Copy To:

The Section Officer,
V.R.Section, High Court, Madras.

+1cc to M/s.S.Ramesh Kumar, Advocate, S.R.No.52194
+1cc to the Government Pleader, S.R.No.52346

W.P.No.21352 of 2021

RSI(CO)
SB(13/10/2021)