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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20503 of 2021
and W.M.P.No.21754 of 2021

G.Subramanian

... Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies
Villupuram Region, Villupuram.

2.Mr.A.Balakrishnan
(Formerly Joint Registrar of Co-operative
Societies, Villupuram), now the Joint
Registrar/Managing Director, Central
Co-operative Bank, Villupuram.

3.The Deputy Registrar of Co-operative
Societies, Thirukkivilur
Kallakurichi District.

4.The Enquiry Officer
Office of the Deputy Registrar of
Co-operative Societies, Thirukkivilur
Kallakurichi District.

5. The Secretary
I.I.587, A.Kumaramangalam Primary
Agricultural Co-operative Society
Kumaramangalam, Ulundurpet Taluk
Kallakurichi District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.5883/2018/Sa.Pa dated 05.03.2020 served on the petitioner on 11.09.2021 and quash the same.

For Petitioner :Mr.V.Ilanchezian

For Respondents:Mr.A.Selvendran,
Government Advocate - for RR 1 to R4
Mr.S.Arumugam
Government Advocate - for R5



O R D E R

The subject matter of challenge in the present writ petition pertains to the proceedings dated 05.03.2020, wherein the petitioner has been disqualified pursuant to the exercise of powers under Section 36(1) of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter referred to as 'the Act').

2. Heard Mr.V.Ilanchezhian, learned counsel for the petitioner, Mr.A.Selvendran, learned Government Advocate appearing for the respondents 1 to 4 and Mr. Mr.S.Arumugam, learned Government Advocate appearing for the fifth respondent.

3. In the considered view of this Court, the petitioner has challenged the impugned proceedings of the second respondent on the merits of the case and also on the ground that the enquiry conducted by the Enquiry Officer was biased and it was actuated with mala fides. The petitioner has an efficacious alternative remedy to approach the Tribunal under Section 152 of the Act. In view of the same, the grievance that is expressed by the petitioner can always be raised before the concerned appellate Tribunal and the petitioner can work out his remedy. Even insofar as the suspension of the order passed by the second respondent, it is left open to the petitioner to move an appropriate application by way of a miscellaneous petition in the appeal.

4. In view of the above discussion, this Court is not inclined to entertain this writ petition and liberty is granted to the petitioner to move the appropriate Tribunal and file an appeal within a period of one week from the date of receipt of a copy of this order. On such filing, the Tribunal shall entertain the appeal on merits without raising the ground of limitation. Except giving this liberty, no further orders can be passed in this writ petition.

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

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

KST



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- Note : 1. Issue order copy on 27.09.2021.
2. Registry is directed to return back the original impugned proceedings of the second respondent to the learned counsel for the petitioner to enable the petitioner to file the appeal before the Tribunal and work out his remedy.

To

1.The Joint Registrar of Co-operative Societies
Villupuram Region, Villupuram.

2.The Deputy Registrar of Co-operative
Societies, Thirukkivilur
Kallakurichi District.

3.The Enquiry Officer
Office of the Deputy Registrar of
Co-operative Societies, Thirukkivilur
Kallakurichi District.

4.The Secretary
I.I.587, A.Kumaramangalam Primary
Agricultural Co-operative Society
Kumaramangalam, Ulundurpet Taluk
Kallakurichi District.

5.The Section Officer,
E.R.Section, High Court, Madras.

+1cc to Mr.V.Ilanchezian, Advocate, S.R.No.49276

W.P.No.20503 of 2021
& WMP No.21754 of 2021

GJ(CO)
CB(27/09/2021)