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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20232 of 2021
and W.M.P.Nos.21481 and 21482 of 2021

- 1.C.P.Murugan
- 2.R.Krishnaveni
- 3.S.Narayanan
- 4.Mani
- 5.K.Muththal
- 6.S.Meena
- 7.S.Hari
- 8.P.Perumal

(The 1st petitioner is the President and
Petitioners 2 to 8 are Directors of HH568
Periyakallappadi Primary Agricultural
Co-operative Credit Society Ltd.,)

...Petitioners

-Vs-

The Joint Registrar of Co-operative Societies
Tiruvannamalai Region, Tiruvannamalai.

...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 of the supersession order passed by the respondent in Na.Ka.No.2261/2021 Sa.Pa. Dated 09.08.2021, quash the same.

For Petitioners : Mr.M.S.Palanisamy

For Respondent : Mr.A.Selvendran,
Government Advocate

O R D E R

This writ petition has been filed challenging the order passed by the respondent dated 09.08.2021 superseding the society in exercise of the powers conferred under Section 88 of the Cooperative Societies Act, 1961 (hereinafter referred to as 'the Act').



2. Learned counsel for the petitioners submitted that, the respondent has not followed the proper procedure as contemplated under the Act and the petitioners have been deprived of an opportunity and the impugned order passed by the respondent suffers from violation of the principles of natural justice. The learned counsel also brought to the notice of this Court the earlier judgments of this Court in "Vallipattu Primary Agricultural Co-operative Bank C.1056 rep.by its Vice President -Vs- The Registrar of Co.Op Societies, Kilpauk, Chennai 10 and another" reported in 1998 (II) C.T.C.351 and "M.Marimuthu -Vs- Regional Joint Registrar of Co-operative Societies, Pudukkottai District" reported in 2014(6) CTC 296.

3. In the considered view of this Court, a careful reading of the order passed by the respondent shows that opportunity was given to the petitioners to put forth their defence. Even assuming that there are some procedural infirmities, that by itself is not a ground for this Court to entertain the present writ petition. The reasons that have been assigned by the respondent justifies the supersession order passed under Section 88 of the Act.

4. The petitioners have an effective and efficacious alternative remedy of appeal under Section 152 of the Act and the petitioners will have to necessarily exhaust that remedy and it will be left open to the petitioner to raise all the grounds before the appellate authority. It is made clear that any observations made by this Court in this order will not influence the appellate authority while dealing with the matter on its own merits and in accordance with law.

5. In view of the above, this Court is not inclined to entertain this writ petition and accordingly the same is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KST



To

The Joint Registrar of Co-operative Societies
Tiruvannamalai Region,
Tiruvannamalai.

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+1cc to Government Pleader Sr No.49063

+1cc to Mr.M.S.Palaniswamy, Advocate Sr No.48498

W.P.No.20232 of 2021

PL (CO)

PR (05/10/2021)