



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY
AND
THE HON'BLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

Writ Appeal No.84 of 2017
and
C.M.P.No.1343 of 2017

N.N.Malarkode ...Appellant / 3rd Respondent

Vs.

1.N.R.Chandrasekaran
2.V.Jegannathan
3.S.Ramasamy
4.E.Saleemabeebi
5.S.Kalyani
6.K.Manoharan
7.N.Krishnan
8.S.Ramachandran
9.K.Anthonyraj
10.R.Chithra
11.Palaniammal

12.The Joint Registrar of Cooperative Society,
Erode Region, Erode,
Erode District.

13.The Management of No.3324, Nerunjipettai Primary
Agricultural Co-operative Credit Society Limited,
Nerunjipettai Post,
Anithiyur Taluk, Erode District,
Represented by its Secretary.

...Respondents / Petitioners
Respondents 1 & 2

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent
to set aside the order dated 18.01.2017 made in W.P.No.43238 of
2016.

Prayer in W.P.No.43238 of 2016:-

Writ Petition filed under Sec 226 of the Constitution of India
praying to issue writ of certiorari to call for the records
relating to the order in Na.Ka. 8291/ 2015/ Saba, dated
21.11.2016 on the file of the 1st respondent quash the same.



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For Appellant : Mr.C.Prakasam

For R1 to R3 & : Mr.S.Doraisamy
R5 to R11

For R4 : No appearance

For R12 & R13 : Mr.U.Bharanidharan
Additional Government Pleader

J U D G M E N T

(Delivered by M. DURAISWAMY, J.)

Challenging the common order passed in W.P.Nos.43238 and 43239 of 2016, the respondents herein filed Writ Appeals in W.A.Nos.350 and 351 of 2017 and the Division Bench of this Court, by its judgment dated 20.07.2017, disposed of the Writ Appeals by directing the Joint Registrar of Co-operative Societies to hold de novo enquiry by giving proper notice to the parties concerned and proceed against the appellants, if they are found responsible on the proved charges levelled against them.

2.Pursuant to the judgment of the Division Bench of this Court in the Writ Appeals, the Joint Registrar of Co-operative Societies conducted enquiry and also passed an order on 27.05.2019. The present Writ Appeal has been filed by the 3rd respondent in W.P.No.43238 of 2016. Since the Division Bench of this Court has already considered the case of both sides and directed the Joint Registrar of Co-operative Societies to conduct de novo enquiry and that the Joint Registrar has also conducted enquiry and passed orders, the issue which has already been decided in W.A.Nos.350 and 351 of 2017 cannot be re-agitated in the present Writ Appeal.

3.In such view of the matter, the relief sought for in the Writ Appeal has become infructuous. Accordingly, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



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To

1. The Joint Registrar of Cooperative Society,
Erode Region, Erode,
Erode District.
2. The Secretary.
Management of No.3324, Nerunjipettai Primary
Agricultural Co-operative Credit Society Limited,
Nerunjipettai Post,
Anithiyur Taluk, Erode District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.67719
+1cc to the Government Pleader, S.R.No.68653

Writ Appeal No.84 of 2017

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NSK 03/01/2022