



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2021

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) Nos.811 and 812 of 2012
and W.M.P. (MD) Nos.1 and 1 of 2012

Thangakani

... Petitioner in both petitions

Vs.

1.The Deputy Registrar of Co-operative Society,
Tiruchendur,
Tuticorin District.

2.A.S.Jesudurai

3.The Principal District Judge cum
Special Co-operative Tribunal,
Thoothukudi.

... Respondents in both petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the records pertaining to the order passed by the learned Principal District Judge, Thoothukudi in C.M.A.(CS)No.18 and 31 of 2009 dated 08.03.2011 and 04.03.2011 respectively and quash the same.

For Petitioner : Mr.D.Geetha
For Respondent 1 : Mr.R.Murugan
Additional Government Pleader
(in both petitions)

COMMON ORDER

The orders challenged in these Writ Petitions have been passed by the Special Co-operative Tribunal consisting of a judicial officer in the rank of Principal District Judge under Section 152 (1)(a) of the Tamil Nadu Co-operative Societies Act. The Hon'ble Supreme Court of India in **Life Insurance Corporation of India -vs- Nandhini J. Shah** [(2018) 15 SCC 356] has held that such judicial order would not be amenable to Writ of Certiorari under Article 226 of the Constitution of India, but the same could be impeached in proceedings under Article 227 of the Constitution of India before the Jurisdictional High Court.



2. In view of the aforesaid legal position, Registry is directed to de-register the Writ Petitions and return the papers to the Learned Counsel for the Petitioner so as to enable him to re-submit the same as Civil Revision Petitions under Article 227 of the Constitution of India with necessary requirements as per the rules within a period of 15 days from the date of collecting papers from the Registry.

3. The Writ Petitions are disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar(CS)

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To

1.The Principal District Judge, Thoothukudi

2.The Deputy Registrar of Co-operative Society,
Tiruchendur,
Tuticorin District.

Copy to

The Assistant Registrar(Writ AE)
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) Nos.811 and 812 of 2012
17.04.2021

sj(CO)

TR(06.05.2021) 2P 4C