



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.10955 of 2021

and W.M.P. (MD) .Nos.8595 and 8597 of 2021

WEB COPY

A.Murugan

...Petitioner

Vs.

1. State of Tamil Nadu,
represented by its Agricultural Production Commissioner
and Principal Secretary to Government,
Secretariat, Fort St.George,
Chennai-600 009.

2. State of Tamil Nadu,
Represented by its the Director of Agriculture /
Registrar of Agro Engineering Services,
Office of Directorate of Agriculture,
Chepauk, Chennai-5.

3. State of Tamil Nadu,
Represented by its the Deputy Registrar,
Agro Engineering Co-operative Services,
Chepauk, Chennai-5.

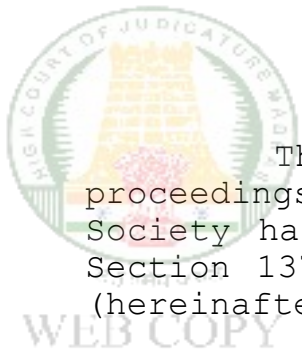
4.State of Tamil Nadu,
Represented by the Joint Director of Agriculture,
Kamala Nagar, Thallakulam,
Madurai.

5.State of Tamil Nadu,
Represented by the Assistant Director of Agriculture,
Chokkikulam, Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned orders in Rc.No.28921/2021/Aes-2(1), dated 04.05.2021, along with Rc No.28921/2021/Aes-2(2), dated 04.05.2021 passed by the third respondent and communicated by the fourth respondent on 16.06.2021 and quash the same.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.M.Lingadurai,
Government Advocate



ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent, dated 04.05.2021, wherein, the Society has been wound up in accordance with the provisions under Section 137 (2) of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as "the Act").

2. Heard Mr.R.Senthil Kumar, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing on behalf of the respondents.

3. This Court has carefully considered the submissions made on either side and the materials available on record.

4. The petitioner is having an effective and efficacious remedy under Section 152 (2) (A) (V) of the Act to file an appeal against the order passed under Section 137 of the Act.

5. This Court is not able to find any lack of jurisdiction or lack of opportunity. Therefore, if the order passed by the third respondent is to be challenged on merits, it will be more appropriate for the petitioner to file an appeal before the concerned authority under Section 152 of the Act.

6. In view of the above, this Writ Petition stands disposed of by giving liberty to the petitioner to file an appeal against the impugned order passed by the third respondent, dated 04.05.2021. This appeal shall be filed within a period of two (2) weeks from the date of receipt of a copy of this order and the appropriate authority shall entertain the appeal without rejecting the same on the ground of limitation. The appeal shall be dealt with on its own merits and in accordance with law.

7. The Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Principal Secretary to Government,
and Agricultural Production Commissioner,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 006.
2. The Director of Agriculture / Registrar of Agro
Engineering Services,
State of Tamil Nadu, Office of Directorate of Agriculture,
Chepauk, Chennai-5.
3. The Deputy Registrar,
State of Tamil Nadu,
Agro Engineering Co-operative Services,
Chepauk, Chennai-5.
4. The Joint Director of Agriculture,
State of Tamil Nadu,
Kamala Nagar, Thallakulam,
Madurai.
5. The Assistant Director of Agriculture,
State of Tamil Nadu,
Chokkikulam, Madurai.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-21825[F] dated
09/07/2021)

+1 CC to M/s.SPL GP (SR-21959[F] dated 09/07/2021)

Order made in
W.P. (MD) No.10955 of 2021
Dated 08.07.2021

ls (CO)
TR(12.07.2021) 3P 8C