



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11870 of 2021

and W.M.P. (MD) .No.9317 of 2021

M.Murugesan

... Petitioner

Vs.

The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Thanjavur Region,
Thanjavur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Na.Ka.No.4724/2017/Sapa, dated 10.06.2021, quash the same and consequently forbear the respondent herein, his subordinates from in any manner interfering with the Board of Management of the petitioner with all elected members of present Board of Management in accordance with law.

For Petitioner : Mr.C.Padmaraj

For Respondent : Mr.M.Lingadurai
Government Advocate

ORDER

This Writ petition has been filed challenging the order passed by the respondent, on 10.06.2021, under Section 36(1) of the Co-operative Societies Act.

2.Heard Mr.C.Padmaraj, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Counsel appearing for the respondent.

3.In the considered view of this Court, the petitioner has an efficacious alternative remedy of appeal under Section 152 (2) (v) of the Tamil Nadu Co-operative Societies Act, 1983 (herein after referred as 'The Act'). The petitioner has to necessarily exhaust this remedy and cannot approach this Court directly by way of filing this writ petition.



4.In view of the above, liberty is granted to the petitioner to file an appeal under Section 152 of the Act before the appropriate authority within a period of four weeks from the date of receipt of a copy of this order. The provision itself provides for seeking for an interim order under Section 152 (6) of the Act and the petitioner can always seek for an interim order before the appellate authority.

5.Registry is directed to return back the original order to the counsel for petitioner to enable the petitioner to file an appeal.

6.This Writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note : Issue order copy on **16.07.2021**.

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.

To

The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Thanjavur Region,
Thanjavur District.

Copy to

The Section Officer (VR Section)
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.PADMARAJ, Advocate (SR-22783[F] dated 15/07/2021)

+1 CC to M/s.SPL GP (SR-22958[F] dated 16/07/2021)

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RC (16.07.2021) 2P-5C

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