



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.13313 of 2021 and

WMP(MD) .No.10301 of 2021

WEB COPY

S.Selvi

... Petitioner

Vs.

The Revisional Authority / Joint Registrar,
Co-operative Societies,
Multi Purpose,
Government Office Buildings,
Kajamalai,
Trichirappalli 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 from the 1st respondent relating to his impugned return of the 2nd revision passed by the 1st respondent in his proceedings in Na.Ka.No.6131/2017/Saba, dated 22.11.2017, quash the same and consequently direct the 1st respondent to entertain the 2nd revision filed by the petitioner and returned on being represented to disposed of it on merits within the time to be framed by this Court.

For Petitioner : Mr.P. Senthur Pandiyan

For Respondents : Mr.A.K. Manickam
Government Counsel

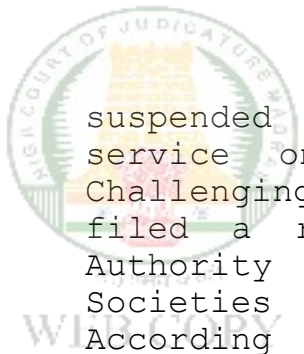
O R D E R

This petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent relating to his impugned return of the 2nd revision passed by the 1st respondent in his proceedings in Na.Ka.No.6131/2017/Saba, dated 22.11.2017, quash the same and consequently direct the 1st respondent to entertain the 2nd revision filed by the petitioner and returned on being represented to disposed of it on merits within the time to be framed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Government Counsel appearing for the respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, while she was working as a Sales Woman in Punjai Sanganthi Primary Agriculture Credit Society, Venkatachalapuram, Elalkudi Taluk, Tiruchirappalli District, she was



suspended from service and subsequently, she was dismissed from service on the false charge framed against the petitioner. Challenging the aforesaid dismissal order, the writ petitioner has filed a revision petition before the respondent/ Revisional Authority under Section 151 of the Tamil Nadu Co-operative Societies Act. The said revision was dismissed on 14.06.2017. According to the petitioner, a second revision was wrongly filed before the Registrar of Co-operative Society instead of the first respondent/Joint Registrar of Co-operative Societies and the same was returned by stating the reason that the respondent has no jurisdiction to entertain the second revision. Therefore, the petitioner sent a second revision before the respondent /Joint Registrar of Co-operative Society, Thiruchirappalli under Section 154 of the Tamil Nadu Co-operative Societies Act. But instead of entertaining the same, the Authority returned it by his proceedings dated 22.11.2017. Therefore, challenging the said impugned order dated 22.11.2017, the petitioner has come forward before this Court by way of the present Writ Petition.

5. According to the learned Government Advocate appearing for the respondent that the second revision filed by the petitioner was returned on the ground that the second revision petition is not maintainable before the same Authority. If the petitioner is aggrieved, she can file the second revision before the Government. He further submitted that the petitioner has filed two revisions. As against the order passed by the respondent/the Joint Registrar of Co-operative Societies, the petitioner can avail remedy under the Tamil Nadu Co-operative Societies Act 1983. Therefore, without seeking such remedy, the petitioner's second revision is not maintainable. Hence, the first respondent has rightly returned the revision petition to the petitioner and the respondent varies with the contentions of the writ petitioner and consequently, seeking for dismissal of the writ petition.

6. This Court has anxiously heard the rival submissions of the learned counsel on either side and perused the materials placed on record.

7. According to the writ petitioner, he submitted the second revision under Section 154 of the Tamil Nadu Co-operative Societies Act before the Authority, who passed the order in the revision petition. Therefore, it is relevant to refer the provisions of the Act viz., Section 153 of the Tamil Nadu Co-operative Societies Act, under which, a revision can be filed within a period of 90 days while a review can be filed under Section 154, against any order passed under section 152 or section 153 on the basis of the discovery of new and important facts which, after the exercise of due diligence, were not then within his knowledge or could not be produced by him when the order was made, provided that no application for review shall be preferred more than once in respect



8. In the present case on hand, the petitioner has preferred second revision under Section 154 of the Act. In fact, under Section 154 the said Act only one revision application is contemplated and once revisional power is exercised by the Registrar, the second revision application against the order passed in exercise of revisional jurisdiction is not maintainable. If at all the petitioner is aggrieved by the said order passed by the revisional authority, the petitioner can prefer further revision before the Government or the petitioner can seek remedy by way of filing the review petition before the authority concerned. Therefore, the writ petitioner has not exhausted both remedies available to her, but filed a revision before the same authority, which cannot be entertained and the same has been rightly rejected by the authority concerned. Therefore, since there was no power to the respondent/Joint Registrar to entertain the second revision, hence, the contention of the petitioner is liable to be rejected as devoid of merits. Therefore, the writ petition is liable to be dismissed.

9. In view of the above, the Writ Petition stands is dismissed. No costs. Consequently, connected miscellaneous petition is closed. It is needless to say that the petitioner can work out her remedy under the aforesaid provisions of the Act before the authority concerned seeking modification or review of earlier order passed by the respondent in accordance with provisions of the Act. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Revisional Authority / Joint Registrar,
Co-operative Societies,
Multi Purpose,
Government Office Buildings,
Kajamalai, Tiruchirappalli District.

+1 CC to M/s.P.SENTHUR PANDIAN, Advocate (SR-26671[F] dated 18/08/2021)

+1 CC to M/s.GP (SR-26637[F] dated 18/08/2021)

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