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W.A.(MD)No.1526 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1526 of 2021

and

C.M.P. (MD)No.6231 of 2021

A.Murugan

... Appellant/Petitioner

Vs.

1.State of Tamil Nadu,
represented by its Agricultural Production
Commissioner and
Principal Secretary to Government,
Secretariat, Fort St.George,
Chennai-600 006.

2.State of Tamil Nadu,
represented by its the Director of Agriculture/
Registrar of Agro Engineering Services,
Office of Director 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,
Kamalanagar, Thallakulam,
Madurai.

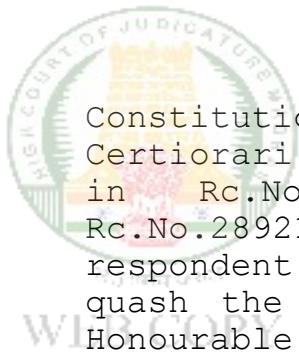
5.State of Tamil Nadu,
represented by the Assistant Director of Agriculture,
Chokkikulam,
Madurai.

... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD)No.10955 of 2021, dated 08.07.2021, on the file of this Court.

Prayer in WP(MD). 10955/ 2021 :

Writ Petition is filed under Article 226 of the
<https://hcservices.ecourts.gov.in/hcservices/>



Constitution of India, praying this Court 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 3rd respondent and communicated by the 4th respondent on 16-06-2021 and quash the same , and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.S.Kumar

For Respondents : Mr.P.Thilakkumar
Standing Counsel for Government

JUDGMENT

(Judgment of this Court was made by **M.DURAI SWAMY, J.**)

Challenging the order passed in W.P.(MD)No.10955 of 2021, the writ petitioner has filed the above writ appeal.

2. The appellant filed the writ petition to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 04.05.2021, along with another order dated 04.05.2021, passed by the third respondent and communicated by the fourth respondent on 16.06.2021 and to quash the same.

3. The learned Single Judge, taking into consideration the submissions made by the learned Counsel for the writ petitioner and the learned Government Advocate appearing for the respondents, found that there is no lack of jurisdiction or lack of opportunity and that the order passed by the third respondent is to be challenged on merits, by filing an appeal before the concerned authority under Section 152 of the Tamil Nadu Co-operative Societies Act, 1983. The appellant has got 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. When the appellant has got an alternative remedy, by way of an appeal available to him under Section 152 of the Act, the learned Single Judge rightly declined to entertain the writ petition. Further, the learned Single Judge gave liberty to the appellant/writ petitioner to file an appeal against the impugned order passed by the third respondent, within a period of two weeks from the date of receipt of a copy of that order and also directed the appropriate authority to entertain the appeal, without rejecting the same on the ground of limitation.

4. The order passed by the learned Single Judge is just and proper. We do not find any reason to interfere with the same. The



Writ Appeal is devoid of merits and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CRL)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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

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

+1 CC to M/s.GP (SR-25613[F] dated 09/08/2021)

W.A. (MD)No.1526 of 2021

and

C.M.P. (MD)No.6231 of 2021

05.08.2021

RD(13.08.2021) 3P 7C