



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WP (MD) No. 15728 of 2020

and

WMP (MD) No. 13180 of 2020

R. Malligadevi

... Petitioner

Vs.

1. The Deputy Registrar of
Cooperative Societies,
O/o. the Deputy Registrar of Cooperative
Societies,
Madurai Circle, Madurai.

2. The Secretary,
A 1258 Madurai District Central Cooperative
Bank Employees Cooperative
Thrift and Credit Society,
187, North Veli Street,
Madurai.

3. T. Sundaram (Membership No. 1615)

... Respondents

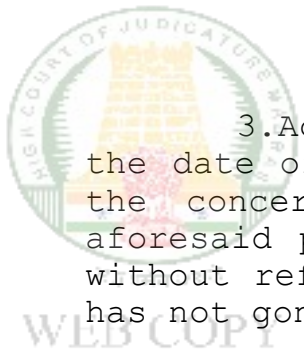
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent vide Thaavaa Manu No. 47/2017-18 Sapa Dated 08.11.2017 and quash the same.

For Petitioner	: Mr. D. Shanmugaraja Sethupathi
For R1 & R2	: Mr. C. Ramar, Additional Government Pleader
For R3	: Mr. George Stephen Kanikkairaj

ORDER

Heard the learned counsel on either side.

2. What is under challenge in this writ petition is an award passed by the first respondent under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983. The third respondent is the borrower. The second respondent is the creditor. It appears that the second respondent as the creditor has not acted in terms of the agreement. The learned counsel for the petitioner would state that the impugned award is non-speaking. Be that as it may, when it is appealable under the provisions of the statute, it is for the petitioner to avail the alternative remedy. When I indicated this to the learned counsel for the petitioner, he wanted to withdraw the writ petition with liberty to the petitioner to move the appellate authority.



3. Accordingly, the petitioner is given three weeks time from the date of receipt of copy of this order to file an appeal before the concerned authority. If an appeal is filed within the aforesaid period, the appellate authority shall entertain the same without reference to limitation. It is made clear that this Court has not gone into the merits of the matter.

4. The writ petition is dismissed as withdrawn with the above said liberty. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

skm

Note: 1. 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 Deputy Registrar of Cooperative Societies,
O/o. the Deputy Registrar of Cooperative Societies, Madurai Circle, Madurai.
2. The Secretary, A 1258 Madurai District Central Cooperative Bank Employees Cooperative Thrift and Credit Society,
187, North Veli Street, Madurai.
3. The Section Officer, V.R Section, (2C)
Madurai Bench of Madras High Court, Madurai
(Registry is directed to return the original impugned order)

+1 CC to M/s. SPL GP (SR-1638[F] dated 21/01/2021)

+1 CC to M/s. A. GEORGE STEPHEN, Advocate (SR-1753[F] dated 22/01/2021)

+1 CC to M/s. D. SANMUGANATHA SETHUPATHI, Advocate (SR-1769[F] dated 22/01/2021)

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ES (CO)

KB (15.02.2021) 2P 8C

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