



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1300 of 2020

and

C.M.P. (MD)No.7434 of 2020

WEB COPY

K.Mathialagan

... Appellant/Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Lalgudi Range, Lalgudi,
Trichy District.

2. The President,
No.273, Valady Primary Agricultural Co-operative
Credit Society,
Valady Post,
Lalgudi Taluk,
Trichy District.

... Respondents/Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent Act against the order passed by this Court in W.P.(MD)No.5412 of 2014, reserved on 25.08.2020, delivered on 03.11.2020.

Prayer in WP(MD). 5412/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari to call for the records on the file of the 1st respondent in pursuant to the impugned order passed by him in his urgent Memorandum in Na.Ka.No.1865/2011/Sa.Pa dated 14.3.2014 and quash the same as illegal and arbitrary and pass such other or further orders.

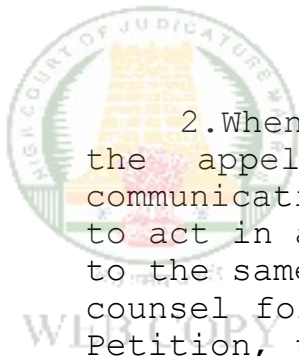
For Appellant : Mr.G.Thalaimutharasu
For R1 : Mr.P.Mahendran

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J U D G M E N T

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

This Writ Appeal has been preferred by the appellant, who is the petitioner in the Writ Petition, seeking to set aside the order of the learned Single Judge, who while dismissing the Writ Petition, upheld the order passed by first respondent.



2. When it was pointed out to the learned counsel appearing for the appellant that the order dated 14.03.2014, is only a communication sent by the first respondent to the second respondent to act in accordance with law and since the appellant is not a party to the same, he cannot be said to be a person aggrieved, the learned counsel for the appellant submitted that he would withdraw the Writ Petition, provided the findings of the learned Single Judge are set aside.

3. The cause of action for the appellant would arise only when an action is sought to be taken pursuant to the impugned order. If it is done, perhaps, at that time, the appellant can challenge the same.

4. In such view of the matter, we permit the learned counsel appearing for the appellant to withdraw the Writ Petition and for the aforesaid purpose, we set aside the findings of the learned Single Judge. Liberty is given to the appellant to work out his remedy in the manner known to law in the event of any adverse order being passed against him.

5. This Writ Appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed. We make it clear that this judgment will not stand in the way of the second respondent to proceed further in the manner known to law.

Sd/-

Assistant Registrar (T&P)

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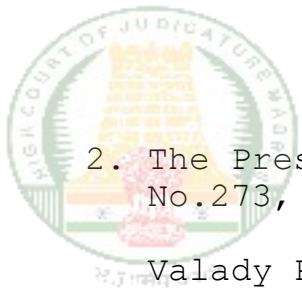
Sub Assistant Registrar(CS)

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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 Deputy Registrar of Co-operative Societies,
Lalgudi Range,
Lalgudi,
Trichy District.



2. The President,
No.273, Valady Primary Agricultural Co-operative
Credit Society,
Valady Post,
Lalgudi Taluk,
Trichy District.

+1cc to the SPL GP SR.No.424.

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