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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.3.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.5422 of 2022

1 A.Mathivendhan ... Petitioner

Vs.

1 The Joint Registrar Of Co-operative Societies
(Revisional Authority U/s 153 of
Tamil Nadu Co-operative Societies Act 1983) ,
Salem Region, Salem District.

2 The Management,
Urban Co-operative Bank, Salem,
No.405 1st Agragaram,
Salem 636 001

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Na. Ka.No.722/2021/ Sa.Pa. dated 20.01.2022 and quash the same and consequently direct the 1st Respondent to entertain the Revision Petition dated 01.02.2021 preferred by the petitioner.

For Petitioner : Mr.K.Raja for
Mr.Kolandaivelu

For Respondent No.1 : Mr.P.Ganesan, A.G.P.

For Respondent No.2 : Mr.Selvendran, Spl. G.P.

O R D E R

According to the learned counsel appearing for the petitioner, the impugned order passed by the respondent has been challenged before this Court on the ground that there is no delay on the part of the petitioner to file a revision petition before the revisional authority. However, the revisional authority, the first respondent herein misconceived the fact and rejected the revision petition stating that the revision petition has been filed beyond the prescribed period of 90 days from the date of retirement.



2. According to the learned counsel appearing for the petitioner, the second respondent Bank has passed an order on 8.12.2020 and the same was sent by registered post and the petitioner filed a revision before the first respondent on 1.2.2021. Thus, the aforesaid revision petitioner has been filed by the petitioner within the prescribed period of limitation of 90 days.

3. The learned Additional Government Pleader appearing for the respondents reiterated the stand taken in the impugned order by stating that the writ petitioner has not filed the revision within 90 days time, challenging the order passed by the second respondent Bank, dated 30.12.2020.

4. According to the learned counsel appearing for the petitioner, as per the limitation Act, 90 days limitation period starts from the date of receipt of the order passed by the respondent Bank. However, the respondent misconceived the fact that the limitation period of 90 days starts from the date of retirement and therefore, the order passed by the first respondent is liable to be quashed.

5. As rightly pointed out by the leaned counsel appearing for the petitioner, the revision filed by the writ petitioner is within the prescribed period of limitation and therefore, the impugned order passed by the revisional authority viz., first respondent herein is set aside and the same is remanded to the first respondent/revisional authority to consider afresh and pass appropriate orders on merit and in accordance with law, as expeditiously as possible preferably within a period of 8 weeks from the date of receipt of copy of this order.

6. Consequently, the writ petition stands allowed with the above directions. No Costs.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

vaan

To

- 1 The Joint Registrar Of Co-operative Societies
(Revisional Authority U/s 153 of
Tamil Nadu Co-operative Societies Act)
Salem Region, Salem District.



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The Management,
Urban Co-operative Bank,
Salem, No. 405, 1st Agragaram,
Salem 636 001

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+1cc to Mr. kolandaivelu, Advocate SR.No.19450

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AJS (CO)
GMY (30/03/2022)