



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.11623 OF 2014

P.Annadurai

... Petitioner

-Vs-

1. The Tiruvannamalai Co-operative
Urban Bank Ltd.,
Rep. by its President,
Tiruvannamalai - 606 601.

2. The Deputy Registrar of
Co-operative Society,
Tiruvannamalai Circle,
Tiruvannamalai.

3. The Joint Registrar of
Co-operative Society,
Tiruvannamalai Region,
Tiruvannamalai.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent herein dated 24.01.2014 in revision petition No.11/2013/Sa.Pa. (Na.Ka.No.7294/2013/Sa.Pa.) and quash the same and direct the 1st respondent to refund the sum of Rs.81,566/- wrongfully deducted by the 3rd Respondent with interest therein from the date of deduction till the date of payment.

For Petitioner : Mr.Krishna Prasad
For M/s.Sarvabhauman Asso.

For Respondents : Mr.L.P.Shanmugasundaram
[for R1]

Ms.Anitha
Special Government Pleader
[for R2 and R3]



O R D E R

The order impugned dated 24.01.2014, directing the petitioner to file an appeal under Section 152 of the Tamil Nadu Co-operative Societies Act, against the order passed under Section 90 of the Act, is under challenge in the present writ petition.

2. The petitioner was an employee of the 1st respondent Co-operative Urban Bank. He availed certain loan amount for the purpose of education of his children. There was a dispute in repayment of loan amount and interest due to the 1st respondent Bank and the writ petitioner rightly raised a dispute under section 90 of the Tamil Nadu Co-operative Societies Act.

3. The said dispute was decided after conducting an enquiry by the competent authority viz., the Deputy Registrar of the Co-operative Society and final order was passed on 30.05.2012. Challenging the said order, the writ petitioner filed WP.No.24119 of 2013 and this Court passed an order on 29.08.2013, directing the petitioner to file a revision petition before the competent authority for the purpose of redressal of his grievances.

4. Pursuant to the orders passed by this Court, the petitioner filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act. The said revision petition was rejected in proceedings dated 24.01.2014 on the ground that an order passed under Section 90 of the Act is a appealable order under Section 152 of the Act and therefore, the revision under Section 153 of the Act would not lie. Again the said order dated 24.01.2014, is under challenge in the present writ petition.

5. The issue arises in this writ petition is that whether a revision under Section 153 of the Act, would lie as against the order passed by the competent authority under Section 90 of the Co-operative Societies Act or not.

6. The scheme of the Act contemplates that the service disputes of the employees working in a Co-operative Society are to be taken by way of a revision petition, under section 153 of the Act and there is no controversy. With reference to the other disputes regarding loan transactions, agreements etc., the



7. In the present case, admittedly the petitioner availed the loan by entering into an agreement which is a contractual obligation between the parties. In respect of the contractual obligation, the petitioner raised certain dispute before the competent authority under Section 90 of the Tamil Nadu Co-operative Societies Act. The said disputes were adjudicated and an order was passed by the competent authority viz., the Deputy Registrar of Co-operative Society. Thus, the petitioner ought to have preferred an appeal, as contemplated under Section 152 of the Tamil Nadu Co-operative Societies Act, which is a Special Tribunal for Co-operative Cases.

9. Thus, the Joint Registrar of the Co-operative Societies is right in forming an opinion that the petitioner has to prefer an appeal under Section 152 of the Act against the order passed under Section 90 of the Tamil Nadu Co-operative Societies Act, in view of the fact that the dispute relates to certain contractual obligations and which requires adjudication with reference to the documents and evidences.

10. In view of the facts and circumstances, the petitioner has to prefer an appeal under section 152 of the Tamil Nadu Co-operative Societies Act, before the Special Tribunal constituted for Co-operative cases, as there is no infirmity with reference to the findings of the order impugned passed by the Joint Registrar of Cooperative Societies in proceedings dated 24.01.2014. Accordingly, the petitioner is at liberty to approach the Special Tribunal for Co-operative Cases/Principal District Court concerned challenging the order passed under Section 90 of the Tamil Nadu Co-operative Societies Act, within a period of four weeks from the date of receipt of a copy of



this order. In the event of preferring any appeal, the tribunal shall take into consideration the period during which the writ petition was pending before this Court, for the purpose to condoning the delay, if any, and decide the issues on merits and in accordance with law, as expeditiously as possible.

11. With these directions, this Writ Petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sha/ars

To

1. The Tiruvannamalai Co-operative Urban Bank Ltd.
Rep.by its President,
Tiruvannamalai - 606 601.
2. The Deputy Registrar of Co-operative Society,
Tiruvannamalai Circle,
Tiruvannamalai.
3. The Joint Registrar of Co-operative Society,
Tiruvannamalai Region,
Tiruvannamalai.

Copy To:-

The Special Tribunal for Co-operative
Cases/Principal District Court,
Tiruvannamalai.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.34753
+1cc to the Government Pleader, S.R.No.34843

W.P.NO.11623 OF 2014

NRL (CO)
PBS/23/06/2022