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W.P.Nos.25386 & 25394 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2022

CORAM :

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.25386 and 25394 of 2022 and

W.M.P.Nos.24366, 24367, 24372 and 24373 of 2022

W.P.No.25386 of 2022:

V.Nithyanandam

..

Petitioner

Vs.

1. The Registrar of Co-operative Societies (Housing)
Chennai 600 007.

2. The Deputy Registrar of Co-operative Societies
Chennai Region, Chennai.

3. The Chennai Metropolitan Co-operative
Housing Society Ltd.
Rep. by its President
No.50, Ritherdon Road
Chennai - 07.

..

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for a writ of Certiorari to call for records of the direction issued by the first respondent under Section 181 of the Tamil Nadu Co-operative Societies Act, 1983 in Na.Ka.No.1138/2019/E2 dated 09.02.2022 and consequential order passed by the third respondent in Rc.No.10/E/2022-23 dated 12.09.2022 quash the same.



W.P.Nos.25386 & 25394 of 2022

W.P.No.25394 of 2022:

R.Jaya Kumar

.. Petitioner

Vs.

1. The Registrar of Co-operative Societies (Housing)
Chennai 600 007.

2. The Deputy Registrar of Co-operative Societies
Chennai Region, Chennai.

3. The Chennai Metropolitan Co-operative
Housing Society Ltd.
Rep. by its President
No.50, Ritherdon Road
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.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for a writ of Certiorari to call for records of the direction issued by the first respondent under Section 181 of the Tamil Nadu Co-operative Societies Act, 1983 in Na.Ka.No.1138/2019/E2 dated 09.02.2022 and consequential order passed by the third respondent in Rc.No.09/E/2022-23 dated 12.09.2022 quash the same.

For Petitioner : Mr.M.S.Palaniswamy
in both WPs

For Respondents : Mr.R.U.Dinesh Raj Kumar
in both W.Ps Additional Government Pleader
[R1 & R2]
Mr.M.Muthusamy
Government Advocate
[R3]



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COMMON ORDER

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Since the issue raised in these writ petitions is one and the same, with the consent of learned counsel appearing for both sides, these writ petitions were heard together and are disposed of by this common order.

2. In both the writ petitions, even though the prayer sought for is to quash the impugned order passed by the first and third respondents, under which, the salary hitherto received by the petitioners has been drastically reduced without notice, after some arguments and after getting instant instructions from the petitioners concerned, Mr.M.S.Palaniswamy learned counsel appearing for the petitioner would submit that, the petitioners may be permitted to give a fresh representation to the first and third respondents for reconsidering the impugned order by revisiting the same in accordance with the law declared in this regard by this Court in a Division Bench judgment, followed by number of cases as well as as per the import of provision i.e., Section 181 of the Tamil Nadu Co-operative Societies Act,1983 and in that case, a direction can be given to the respondents to consider the said fresh representations and pass orders within a time frame that may be stipulated by this Court.



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3. Taking into consideration the said submissions made by

Mr.M.S.Palaniswamy, learned counsel appearing for the petitioner, Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader appearing for the first and second respondents and Mr.M.Muthusamy, learned Government Advocate appearing for the third respondent, this Court is inclined to pass the following order:

- ◆ It is open to the petitioners to make a fresh representation to the first and third respondents as the case may be, explaining the details as to how the orders impugned are to be revisited by the said respondents in the light of the legal position as projected by the petitioners' side in the judgments cited by the learned counsel appearing for the petitioners within a period of two weeks from the date of receipt of a copy of this order.
- ◆ On receipt of such fresh representation, the first and third respondents shall decide the same on merits and in accordance with law within a period of four weeks thereafter.



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4. With these directions, these writ petitions are disposed of. No costs. Connected miscellaneous petitions are also closed.

20.09.2022

Index:Yes/No
drm/mp

To

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Chennai Region, Chennai.
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R.SURESH KUMAR,J.

(mp/drm)

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