



WEB COPY

W.P.No.27245 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.27245 of 2022

T.Murugesan

... Petitioner

VS.

1.The Joint Registrar of Coopertative Societies,
Ariyalur Region, Ariyalur,
Ariyalur District - 621 704.

2.The President,
YA 112 Ottakovil Primary Agricultural Cooperative,
Credit Society, Ottakovil - 621 701,
Ariyalur Taluk & District

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Na.Ka.1852/2022/SaPa dated 29.06.2022 and quash the same and consequently direct the 1st respondent to entertain the Statutory Revision filed by the petitioner on 16.06.2022 and dispose the same on merits.

For Petitioner : Mr.C.Prakasam

For Respondent 1 : Mr.G.Ameedius
Government Advocate

For Respondent 2 : Mrs.Geetha Thamaraiselvan,
Special Government Pleader



ORDER

This writ petition has been filed challenging the impugned order dated 29.06.2022 passed by the first respondent, under which, the statutory revision petition filed by the petitioner under section 153 of the Tamil Nadu Cooperative Societies Act was rejected on the ground that the said revision was filed beyond the period of 90 days.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.G.Ameedius, learned Government Advocate appearing for the first respondent and Mrs.Geetha Thamaraiselvan, learned Special Government Pleader appearing for the second respondent.

3. The issue that arises for consideration in this writ petition has already been considered by the Division Bench of this Court and consistently it has been held that when the Tamil Nadu Cooperative Societies Act does not bar the application of provisions of Limitation Act, this Court exercising powers under Article 226 of the Constitution of India can condone the delay, even if the statutory revision has been filed by the petitioner beyond the period of 90 days.



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4. Learned counsel for the petitioner has also placed before this Court an order dated 10.02.2011 passed by this Court in W.P.No.606 of 2011 in the case of K.Ramu vs. The Additional Registrar of Co-operative Societies and others where a similar issue was involved.

5. The learned Single Judge while allowing the said writ petition had followed another order dated 23.06.2010 passed by this Court in W.P.No.13127 of 2010 and held that when there is no specific provision in the Act barring the application of the provisions of the Limitation Act, this Court exercising powers under Article 226 of the Constitution of India can condone the delay beyond the period of 90 days in filing the statutory revision under section 153 of the Tamil Nadu Cooperative Societies Act. The only ground for rejection of the petitioner's revision as seen from the impugned order is that the said statutory revision was filed beyond the period of 90 days.

6. It is settled law that this Court is having the powers to condone the delay in filing the statutory revision beyond the period of 90 days under



section 153 of the Tamil Nadu Cooperative Societies Act and hence, the impugned order has to be quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law with regard to the main statutory revision filed by the petitioner under section 153 of the Tamil nadu Cooperative Societies Act.

7. Accordingly, the impugned order dated 29.06.2022 passed by the first respondent is hereby quashed and the writ petition is **allowed**. The respondents are direction to entertain the revision petition filed by the petitioner under section 153 of the Tamil Nadu Co-operative Societies Act, if the same is filed within a period of one week from the date of receipt of a copy of this Order. On receipt of the same within the stipulated time, the first respondent shall pass final orders on merits and in accordance with law within a period of three months thereafter. No costs.

07.11.2022

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Index:Yes/No

Speaking/Non-speaking orders



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To

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ABDUL QUDDHOSE, J.
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