



W.P.(MD).No.4671 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.4671 of 2013

and

M.P.(MD)Nos.1 and 2 of 2013

P.Vijaya Mohan

... Petitioner

Vs.

1.The Secretary to Government,
Co-operative, Food and Consumer
Protection Department,
Secretariat, Chennai – 600 009.

2.The Joint Registrar of Co-operative Societies,
Kanyakumari Region,
Nagercoil, Kanyakumari District.

3.The Special Officer,
Kollamcode Primary Agricultural Co-operative
Credit Society,
Kollemcode, Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned orders passed by the 2nd respondent in Na.Ka.4587/04 Sa.Pa, dated 30.06.2010 and the consequential order passed by the 1st respondent in Letter No.3953/CN2/2011-3, dated



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16.08.2011, to quash the same as far as the petitioner is concerned.

For Petitioner	: Mr.Shaji Chellan
For Respondents	: Mr.P.Thilak Kumar
	Government Pleader
	for Mr.M.Ramesh
	Government Advocate

ORDER

The present writ petition is filed challenging the order passed by first respondent herein under which the review application filed by the petitioner was dismissed on the ground of delay.

2.According to the learned Counsel for the petitioner, the petitioner was disqualified under section 36 of the Tamil Nadu Co-operative Societies Act. A revision lies under section 153 of the Tamil Nadu Cooperative Societies Act against an order passed under section 36 of the said act. However, by mistake the petitioner has filed the review application before the first respondent herein. The said review has been dismissed on the ground of delay. Hence, the present writ petition.

3.Considering the fact that the writ petitioner has erroneously filed



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a review application before the first respondent herein, the petitioner being permanently disqualified in contesting the co-operative elections causing a serious civil consequence, the petitioner is entitled to be heard in a revision petition.

4.In view of the above said facts, the impugned order in the writ petition is set aside. The petitioner is at liberty to approach the Registrar for filing a revision application under section 153 of the Tamil Nadu Co-operative Societies Act. If the revision petition is filed within a period of four weeks from the date of receipt of a copy of this order, the same shall be entertained by the Registrar without any reference to the period of limitation.

5.With the above said observation, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

17.08.2022

Index : Yes / No
Internet : Yes / No
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To

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R.VIJAYAKUMAR ,J.

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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.

Order made in
W.P.(MD).No.4671 of 2013

17.08.2022