



W.P.(MD).No.13594 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.(MD).No.13594 of 2022

B.Sabarinathan

...Petitioner

Vs

1.The Regional Joint Registrar of Co-operative
Societies/Revisional Authority under Section 153 of
Tamil Nadu Co-operative Societies Act,
Trichy Region,
Trichy District.

2.The President,
R.719, Vaalasiramani Primary Agricultural Co-operative
Credit Society,
Vaalasiramani,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order made in Na.Ka.No.2142/2022/SaPa (Revision Petition No.01/2022) dated 27.05.2022 passed by the first respondent and quash the same and consequently direct the first respondent to entertain the petitioner's revision petition and decide the same in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.P.Thilak Kumar,
Government Pleader,
Assisted by,
Mr.M.Ramesh,
Government Advocate.

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner's Review Application filed under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 came to be rejected solely on the ground that the application was filed beyond the period of 90 days and there is no provision under the Act for condoning the delay. This issue came to be dealt by this Court in the case of ***P.Ravi Vs. the Joint Registrar of Co-operatives, Madurai***, whereby, it was held that the provisions of Limitation Act could be read into the provisions of the Co-operative Societies Act and therefore, the principal of Limitation Act would apply to decide the application for condoning the delay. The relevant portion of the order reads as follows:



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"12. The only issue to be decided here is as to whether the order impugned passed by the respondent on the ground of limitation in entertaining the Revision Petition filed by the petitioner under section 153 of the Act is in consonance with the law, which is prevailed or is invoked. Insofar as the said claim of the petitioner that the Revision Petition was filed in time, there is no proof to show that the petitioner has filed the Revision Petition in time, because the petitioner himself had chosen to file a petition to condone the delay of 265 days, which of his act itself, shows that the revision was not filed in time."

"20. In view of the said decisions of this Court, where an uniform stand consistently have been taken, even in the absence of specific provisions for entertaining the Application to condone the delay by invoking Section 5 of the limitation Act, the same can be entertained for the ends of justice."



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3. The aforesaid extract is self-explanatory. If this be the legal position as on date, the first respondent may not be correct in rejecting the application only on the ground that there is no provision for condoning the delay in filing an application under Section 153 of the Act.

4. Accordingly, the impugned order dated 27.05.2022 is set aside and the matter is remitted back to the first respondent herein. The petitioner is granted liberty to file a miscellaneous application seeking for condoning the delay in filing the Revision Application, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the same, the first respondent herein shall consider such an application on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of such an application.

5. The Writ Petition stands disposed of accordingly. There shall be no order as to costs.

29.06.2022

Index: Yes/No
Speaking order/Non-speaking order
Nsr/Lm

<https://www.mhc.tn.gov.in/judis>



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M.S.RAMESH,J.

Nsr/Lm

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