



W.P(MD)No.16196 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16196 of 2022

and

W.M.P.(MD)No.11710 of 2022

S.Ponraj

... Petitioner

Vs.

1.The District Registrar,
Department of Co-operatives,
Kovilpatti,
Thoothukudi District.

2.Thili Thani 62 Saminathan Primary
Agricultural Cooperative Credit Society,
Represented by its Secretary,
Saminatham,
Ottapidaram Taluk,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to to call for the records on the file of the first respondent pertaining its proceeding in Ni.Ma.01/2022-23 Ka.Ni, dated 01.07.2022 and to quash the same as illegal.



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For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner was saddled with a surcharge order. Questioning the same, the petitioner filed C.M.A(CS).No.32 of 2019 on the file of the Principal District Judge, Thoothukudi. The grievance of the petitioner is that when the jurisdictional Co-operative Tribunal is seized of the issue, the respondents are proceeding to enforce the surcharge order.

3. In my view, the petitioner has to necessarily move the Co-operative Tribunal for interim order. Filing an independent writ petition is misconceived. However, to protect the rights of the petitioner, the petitioner is permitted to file an interim application in C.M.A(CS)No.32 of 2019. The said I.A will be numbered and disposed of after notice to the respondents within a period of three weeks after such filing. The petitioner through his counsel gives an undertaking that he will file such I.A within one week from the date of receipt of a copy of this order. Till I.A is disposed of, if the petitioner files such an I.A within one week, the respondent will of-course abide by the outcome of the said I.A.



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4. With this direction to the respondents, the Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

25.07.2022

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 27.07.2022



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G.R.SWAMINATHAN, J.

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