



W.P(MD)No.16589 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16589 of 2022

N.S.Sahul Hameed

... Petitioner

Vs.

1.The Deputy Registrar,
The Cooperative Societies,
The Primary Agricultural Cooperative Credit Society,
Cheranmahadevi,
Tenkasi District.

2.M.Shahjehan

3.T.Mookan

4.T.Saravanan

5.E.Shanmughavel

6.A.Gurusamy

7.E.Murugan

8.T.Sankara Nainar

9.P.Sudalaimuthu

10.S.Sudalaimuthu

11.S.Kumar

12.A.Muthulaxmi

13.N.Aisabarkat

14.Noorsulaikaal

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 18.06.2022.

For Petitioner : Mr.P.Bhaskar

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate for R1.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the first respondent.

2.The petitioner wants this Court to direct the first respondent to entertain the petition mentioned review petition. The petitioner had suffered an order of surcharge under section 87 of the Tamilnadu Co-operative Societies Act. It is too well settled that the power to review is not inherent. It is must be specifically conferred by the constitute. The first respondent does not have the power to review his own surcharge order. Therefore, the petitioner has to necessarily file an appeal before the Co-operative Tribunal under Section 152 of the Act. If the petitioner files an appeal within a period of four weeks from the date of receipt of a copy of this order, the same shall be entertained without



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reference to limitation. All the contentions of the writ petitioner are left open. I make it clear that I have not gone into the merits of the matter.

3.Leaving open the petitioner's appeal remedy, the writ petition is disposed of. No costs.

28.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

The Deputy Registrar,
The Cooperative Societies,
The Primary Agricultural Cooperative Credit Society,
Cheranmahadevi,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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