



WEB COPY



W.P.No.4392 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.4392 of 2023

and

W.M.P.Nos.4429 and 11284 of 2023

1.M.Subramanian

2.A.Vimala

3.K.V.Babu

... Petitioners

VS.

1.The Registrar of Co-operative Societies (Housing),
Tamil Nadu Co-operative Society Limited,
No.40, Ritherdon Road, Veperry,
Chennai 600 007.

2.The Managing Director,
Tamil Nadu Co-operative Housing Federation Limited,
No.40, Ritherdon Road, Veperry,
Chennai – 600 007.

3.The Deputy Registrar (Housing),
Chengalpet Region,
No.26B, Alagesan Nagar, Opp. to E.B. Office,
Chengalpet.

... Respondents



W.P.No.4392 of 2023

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order dated 20.01.2023 in Na.Ka.NO.4765/2022/SP2 of the 1st Respondent and quash the same.

For Petitioners : Mrs.AL.Gandhimathi
Senior Advocate
for Mr.L.Palanimuthu

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

The writ petition is filed challenging the order passed by 1st respondent disqualifying the petitioners permanently from holding any post in the Co-operative Society under Section 36 of the Tamil Nadu Co-operative Societies Act, 1983.

2. As against the order passed under Section 36 of the Tamil Nadu Co-operative Societies Act, 1983, disqualifying the office bearers, an appeal shall lie under Section 152 (2) (a) (v) of the Tamil Nadu Co-operative Societies Act, 1983 to the Government.



W.P.No.4392 of 2023

3. In view of the alternative remedy available to the petitioners, this

Court is not inclined to entertain the writ petition. Therefore, the writ petition is dismissed with liberty to the petitioners to file statutory appeal under Section 152 (2)(a)(v) of the Tamil Nadu Co-operative Societies Act, 1983. While calculating the limitation for filing appeal, the petitioners are entitled to exclude the time taken in prosecuting the present writ petition namely date of filing of writ petition (09.02.2023) to the date of receipt of copy of the order. No costs. Consequently, the connected miscellaneous petitions are closed.

13.09.2023

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dm

To

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2. The Managing Director,
Tamil Nadu Co-operative Housing Federation Limited,
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S.SOUNTHAR, J.

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