



W.P.No.14345 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14345 of 2023

V. Ravishankar

... Petitioner

Vs.

The Joint Registrar of Cooperative Societies,
Dharmapuri Region,
Dharmapuri.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in Na.Ka.No.1463/2023 Sa.pa. dated 13.03.2023 under Section 153 of Tamil Nadu Co-operative Society Act 1983 and quash the same and consequently remand back to the respondent to entertain the statutory revision and dispose the same on merits in accordance with law.

For Petitioner : Mr.L.P. Shanmugasundaram

For Respondent : Mr.S. Prabhakaran,
Government Advocate



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ORDER

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Heard the learned counsel for the petitioner, as well as the learned Government Advocate for the respondent.

2. As against the resolution passed by the respondent/Society dated 10.08.2020, the petitioner had preferred a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter called as 'the Act') before the respondent herein, which came to be rejected through the impugned order dated 13.03.2023. The only ground for such rejection is that the petitioner has preferred a revision after a lapse of 914 days from the date of resolution and since it has been filed after 90 days, the same is not maintainable.

3. This Court in the case of '**N.P. Palanisamy Vs. State of Tamil Nadu & others**' reported in '**2012 (4) CTC 257**', had held that the limitation period of 90 days prescribed under Section 153 of the Act is not mandatory in nature but only directory and that the law of limitation relating to condonation of delay should be read into the



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provision. In other words, an employee who intends to prefer Section 153 of the Act, after the statutory limitation period of 90 days, would be entitled to file an application seeking for condonation of delay.

4. In the light of the above, the reason for rejection of the revision petition cannot be sustained. Consequently, the petitioner would be entitled for preferring an application seeking for condonation of delay in filing a revision petition. It is needless to point out that it will be open to the respondent herein, to consider the application seeking for condonation of delay on its own merits and after being satisfied that the petitioner has given sufficient reasons for not preferring the revision in time, shall pass final orders thereafter.

5. With the above findings, the impugned order dated 13.03.2023 is hereby quashed. Consequently, the petitioner is granted liberty to file an application for condoning the delay in preferring the revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 to the respondent herein and on receipt of such application, the respondent shall consider the condone delay application on its own



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merits and pass appropriate orders, within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands allowed. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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To

The Joint Registrar of Cooperative Societies,
Dharmapuri Region,
Dharmapuri.



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M.S.RAMESH,J.

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