



WEB COPY



W.P. No. 21321 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 21321 of 2023

P.Saraswathi

... Petitioner

-VS-

1. The District Collector,
Erode District,
Erode.
2. The Registrar of Co-operative Societies,
Chennai – 600010.
3. The Joint Registrar of Co-operative Societies,
Erode – 638003.
4. The Deputy Registrar of Co-operative Societies,
Balaji Nagar, Gobichettipalayam – 638452.
5. The President,
Athani Co-operative Agricultural Colonisation Society,
Athani, Anthiyur Taluk,
Erode District.

6. Esari

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents that the assigned land of Subbanna Gounder in S.F. No. 385/1 to be assigned to the Petitioner as per by law 119(a) of the Society.



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For Petitioner : Mr. S.Shanmuga Velayutham
for Mr. A.Nowfal

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 to R4)

Mr. G.Ameedius,
Government Advocate (for R5)

Mr. D.Gopinath (for R6)

ORDER

Heard Mr. S.Shanmuga Velayutham, Learned Senior Counsel for Mr. A.Nowfal, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First to Fourth Respondents, Mr. G.Ameedius, Learned Government Advocate appearing for the Fifth Respondents and Mr. D.Gopinath, Learned Counsel appearing for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out that the Petitioner has got an effective alternative remedy to claim the relief sought in this Writ Petition by raising an arbitral dispute before the jurisdictional Registrar of Co-operative Societies under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983, Learned



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Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 07.07.2023, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. No costs.

08.11.2023

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Index: Yes/No

NCS : Yes

Note: Issue order copy by 31.01.2024.

To

1. The District Collector,
Erode District,
Erode.
2. The Registrar of Co-operative Societies,
Chennai – 600010.
3. The Joint Registrar of Co-operative Societies,
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4. The Deputy Registrar of Co-operative Societies,
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5. The President,
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P.D. AUDIKESAVALU, J.

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