



WEB COPY



W.P.Nos.21814 and 21818 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.21814 and 21818 of 2022

and

W.M.P.Nos.20835, 20837, 20842, 20843, 24300 and 24301 of 2022

D.Kuppulakshmi

... Petitioner (in both WPs)

vs.

1.The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram, Villupuram District.

2.The President,

E 2028, Kandamanadi Primary Agricultural
Cooperative Credit Society, Kandamanadi,
Villupuram District.

... Respondents (in both WPs)

PRAYER in W.P.No.21814 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Na.Ka.4141/2016/Ku.Na., dated 13.09.2017 and quash the same.

PRAYER in W.P.No.21818 of 2022: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Na.Ka.4141/2016/Ku.Na., dated 24.01.2019 and quash the same.



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For Petitioner : Mr.C.Prakasam
(in both WPs)

For Respondents : Mrs.S.Anitha
Special Government Pleader
(in both WPs)

COMMON ORDER

These writ petitions are filed challenging the surcharge order passed under Section 87 (1) of the Tamil Nadu Cooperative Societies Act, 1983.

2. A surcharge order passed under Section 87 (1) of the Tamil Nadu Cooperative Societies Act, 1983 is liable to be appealed under Section 152 (1)(a) of the said Act before the Cooperative Tribunal headed by District Judge.

3. In *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and others vs. Tuticorin Educational Society and others* reported in *(2019) 9 SCC 538 = MANU/SC/1365/2019*, the Hon'ble Apex Court held that in case of availability of alternative remedy before the regular Civil Court is near total bar for the High Court's jurisdiction to entertain a revision under Article 227 of the Constitution of India. The said proposition is equally applicable to the jurisdiction under Article 226 of the Constitution of



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India also.

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4. In view of the effective alternative remedy of appeal available for the petitioner before the Cooperative Tribunal headed by the District Judge, this Court is not inclined to entertain these writ petitions. Therefore, the writ petitions are dismissed with liberty to the petitioner to avail alternative remedy of appeal under Section 152 (1) (a) of the Tamil Nadu Cooperative Societies Act, 1983.

5. While computing the limitation for filing the appeal before the Cooperative Tribunal, the petitioner is entitled to exclude the time taken by her in prosecuting these writ petitions before this Court (i.e., 16.08.2022) 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



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S.SOUNTHAR, J.

dm

To

- 1.The Deputy Registrar of Cooperative Societies,
Villupuram Circle, Villupuram, Villupuram District.
- 2.The President,
E 2028, Kandamanadi Primary Agricultural
Cooperative Credit Society, Kandamanadi,
Villupuram District.

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