



W.A.No.2503 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.11.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.A.No.2503 of 2023

G.Rathinam,
S/o. Govindasamy,
No.1/158, Mela Street,
Andiyappanur Post,
Vaniyampadi Taluk, Vellore District.

.. Appellant

Vs.

1.The Joint Registrar of Co-operative Societies
Co-Operative Societies, Vellore,
Vellore District.

2.The President,
C-2143, Andiyappanur Primary
Agricultural Co-operative Thrift Society,
Andiyappanur Post,
Vaniyampadi Taluk, Vellore District.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 09.06.2023 passed in W.P.No.26938 of 2016 on the file of this Court.



W.A.No.2503 of 2023

For Appellant : Mr.S.Doraisamy

For Respondents : Mr.Silambannan
Additional Advocate General
assisted by Mrs.S.Anitha
Special Government Pleader

JUDGMENT

[Judgment of the court was delivered by R.MAHADEVAN, J.]

This writ appeal has been filed against the order passed by the learned Judge in W.P.No.26938 of 2016 on 09.06.2023.

2. The facts leading to the filing of this writ appeal, according to the appellant, are that he was working as Secretary in the second respondent Society. On 14.05.2003, the Deputy Registrar of Cooperative Societies, Thirupathur, ordered an enquiry against the appellant under Section 81 of the Tamil Nadu Cooperative Societies Act, on complaint of irregularities. The Enquiry Officer conducted an enquiry behind the back of the appellant and had submitted an unilateral report on 21.08.2003. Disciplinary proceedings was initiated and a show cause notice was issued. Thereafter, the appellant



W.A.No.2503 of 2023

filed various writ petitions challenging the proceedings of the Society. While so, the second respondent passed an order of dismissal on 19.05.2014, against which, the appellant preferred WP.No.14147 of 2014 and the said writ petition was dismissed, granting liberty to the appellant to approach the statutory authority. Pursuant to the same, the appellant preferred a revision on 11.02.2015, which came to be disposed of, on 12.10.2015, by the first respondent, without providing an opportunity of being heard to the appellant. Hence, the appellant filed a writ petition in W.P.No.26938 of 2016 challenging both the orders passed by the respondent authorities. The learned Judge disposed of the said writ petition, with the following observations and directions:

"11.... Admittedly, the 2nd respondent is not the competent authority to deal with the issue involved in the instant case. The competent authority is the 1st respondent. The 2nd respondent has acted without jurisdiction. Even G.O.Ms.No.122 saved pending proceedings and all disciplinary proceedings pending on the relevant dates viz., 04.07.2008 were to be continued to be dealt with only by the competent authority. In the instant case, the petitioner's case is pending from 2004 onwards and therefore, the competent authority is only the 1st respondent and not the 2nd respondent. Even though the petitioner has raised several other grounds that he was not afforded adequate opportunity to put forth his case since this court has found that the impugned order passed by the 2nd respondent is in excess and without authority and on this limited ground, the impugned order is set aside and remitted back to the 1st respondent to pass fresh orders on merits after affording fair opportunity to the writ petitioner to put forth all his contentions. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



W.A.No.2503 of 2023

With the above direction, the writ petition is allowed..."

Aggrieved by the aforesaid order of the learned Judge, the present appeal has been preferred by the appellant herein.

3.Today, when the matter was taken up for consideration, the learned counsel for the appellant, after arguing for some time, submitted that it would suffice, if the time limit granted by the learned Judge to pass orders afresh by the first respondent, on merits, is extended for a further period of three months.

4.The learned Additional Advocate General appearing for the respondents has no serious objection for granting such relief to the appellant.

5.In view of the above, the time limit fixed by the learned Judge is extended for a further period of three months, which will take effect from today. Accordingly, the first respondent shall pass appropriate orders as directed by the learned Judge in the impugned order dated 09.06.2023 in WP.No.26938 of 2016, within the said period.

6.With the aforesaid directions, this writ appeal stands disposed of.



W.A.No.2503 of 2023

No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

[R.M.D., J.] [M.S.Q., J.]

28.11.2023

Index: Yes / No

Speaking order/ Non-speaking order

Neutral Citation: Yes / No

nsd

To

1.The Joint Registrar of Co-operative Societies
Co-Operative Societies, Vellore,
Vellore District.

2.The President,
C-2143, Andiyappanur Primary
Agricultural Co-operative Thrift Society,
Andiyappanur Post,
Vaniyampadi Taluk, Vellore District.



WEB COPY



W.A.No.2503 of 2023

R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

nsd

W.A.No.2503 of 2023

28.11.2023