



WEB COPY



W.P.No.31358 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.31358 of 2022

M.R.Murugaswamy

... Petitioner

Versus

1. The Joint Registrar of Cooperative Societies/Arbitrator
Coimbatore Region, Coimbatore
Coimbatore District

2.The Deputy Registrar of Cooperative Societies
Coimbatore Region, Coimbatore
Coimbatore District

3.The President
K.2023, Mugasisemsampatti Primary
Agricultural Cooperative Credit Society
Mugasisemsampatti
Periyaputhur Post – 641 697
Pogalur via, Annur Taluk
Coimbatore District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Si.Ma.4056/2022/Vae.2 dated 10.10.2022 and quash the same and consequently direct the 1st respondent to entertain the review Petition dated 05.07.2022 and



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dispose the same in merits.

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For Petitioner

: Mr.C.Prakasam

For Respondents

: Mr.P.Baladhandayutham for R1 & R2
Special Government Pleader
No appearance for R3

ORDER

This writ petition has been filed challenging the order of review on the ground of delay.

2. It is the contention of the learned counsel for the writ petitioner that there is a delay in filing the review as against the dismissal of the Revision Order passed under Section 153. The petitioner has been terminated from service in departmental proceedings on 18.01.2019. Challenging the same, he has filed a revision under Section 153 and the same has been dismissed. Further, he filed a review with a delay of 27 days. When the review application has been dismissed on the ground of delay invoking Rule 170(1) of the Tamil Nadu Co-operative Societies Rules, 1988. No doubt review shall be filed within a period of 90 days from the date of receipt by applicant for review of the order to which the application relates.



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3. It is relevant to note that the revision order has been passed on 10.03.2021 during pandemic and the Hon'ble Apex Court has extended the period of limitation from 15.03.2020 up to 28.02.2022 and the said period is excluded. Therefore, this Court is of the view that the review application filed by the petitioner ought to have been considered.

4. Such view of the matter, the impugned order is set aside and the respondent is directed to consider the review on its own merits and pass appropriate orders.

5. Accordingly, this writ petition stands allowed. No costs.

01.09.2023

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Internet: Yes/No

Index : Yes/No

Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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To

1. The Joint Registrar of Cooperative Societies/Arbitrator
Coimbatore Region, Coimbatore
Coimbatore District

2.The Deputy Registrar of Cooperative Societies
Coimbatore Region, Coimbatore
Coimbatore District

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(1/2)