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Writ Petition No.31648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.08.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.31648 of 2022
and WMP.Nos.31094, 31095 and 31096 of 2022

- 1.N.Jayaraman
- 2.P.Murugesan
- 3.T.Ayyam Perumal
- 4.P.Govindaraj
- 5.M.Palanivel
- 6.R.Amirtham
- 7.P.Sudamani
- 8.K.Sumathi
- 9.A.Kasi
- 10.P.Kumar

... Petitioners

Vs

1.The Deputy Registrar of Co-operative Societies,
Attur Circle, Attur, Salem District.

2.The President,
S.6749, Umayalpuram Primary Agricultural
Co-operative Credit Society,
Umayalpuram Village and Post – 636 119.
Peddanayakkanpalayam Taluk, Salem District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a writ of Certiorari, calling for the records relating to the impugned
order passed by the 1st respondent in his proceedings Na.Ka.No.1455/2017
Sa.Pa, dated 03.11.2017 and quash the same.



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For Petitioners : Mr.C.Prakasam

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader for R1
C.Jayaprakash
Government Advocate for R2

ORDER

This writ petition is filed challenging the surcharge order passed under Section 87 of Tamil Nadu Co-operative Societies Act, 1983. Against the surcharge order passed under Section 87 of Tamil Nadu Co-operative Societies Act, 1983, an appeal shall lie before the Co-operative Tribunal under Section 152 of Tamil Nadu Co-operative Societies Act.

2. It is settled law whenever an alternative remedy is available before the regular Civil Court, this Court shall not exercise its power under Article 226 of Constitution of India and entertain writ petition. The Co-operative Tribunal is a forum headed by a regular District Judge. Therefore, it should be treated as a regular Civil Court. Hence, this Court is not inclined to entertain this writ petition, by following ratio laid down by Apex Court in Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and



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others Vs Tuticorin Educational Society and others reported in (2019) 9

WEB CO SCC 538 = MANU/SC/1365/2019.

3. This writ petition is dismissed by directing the petitioners to avail alternative remedy of Appeal under Section 152 of Tamil Nadu Co-operative Societies Act. The petitioners are entitled to exclude the time taken by them before this Court in prosecuting the writ petition namely from 23.11.2022 to the date of receipt of a copy of this order while calculating limitation for filing Appeal. No costs. Consequently, connected miscellaneous petitions are closed.

07.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To
1. The Deputy Registrar of Co-operative Societies,
Attur Circle, Attur, Salem District.
2. The President,
S.6749, Umayalpuram Primary Agricultural
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Umayalpuram Village and Post – 636 119.
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