



W.A(MD)No.345 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.345 of 2023
and
C.M.P(MD)No.3713 of 2023**

Arumuga Nainaar

... Appellant/Petitioner

-VS-

1.The Registrar of Co-operative Societies(Housing),
Tamil Nadu Co-operative Housing Federation,
No.48, Retharathan Road,
2nd Floor, Vepperi,
Chennai – 7.

2.The Co-operative Sub-Registrar/
The Deputy Registrar of Co-operative Societies (Housing)(I/C),
Tirunelveli,
Tirunelveli District.

3.The Senior Inspector / Enquiry Officer,
Office of the Regional Deputy Registrar
of Co-operative Societies(Housing),
Tirunelveli Region,
Tirunelveli District.

... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order
made in W.P(MD)No.2359 of 2023 dated 06.02.2023.



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For Appellant : Mr.L.Shaji Chellan
For Respondents : Mr.Veera Kathiravan,
Additional Advocate General, assisted by
Mr.K.Selvaganesan,
Additional Government Pleader

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the Writ Court, dated 06.02.2023 made in W.P(MD)No.2359 of 2023, the appellant/writ petitioner has filed this writ appeal.

2. The challenge was before the Writ Court to the proceedings under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983(hereinafter referred to as 'the Act'). The Writ Court refused to interfere with the order launching proceedings under Section 81 of the Act on the ground that any finding rendered in proceedings under Section 81 of the Act, is only recommendatory and hence, the same cannot be subject matter of challenge. The Writ Court has also left it open to the writ petitioner to challenge the correctness of the enquiry conducted under Section 81 of the Act, in the proceedings that may be taken in future. Hence, we do not see any reason to entertain this writ appeal.



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3. The writ appeal fails and it is accordingly dismissed.

No Costs. It will be open to the writ petitioner to raise all issues including competency of the person who initiated proceedings under Section 81 of the Act in the further proceedings that may or may not be taken against the writ petitioner. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

24.03.2023

NCC :Yes/No

Index :Yes/No

PM

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