

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5293 of 2023

1.S.Pandi
2.P.Velusamy
3.K.S.Kavitha
4.M.Muthumari

... Petitioners

Vs

1.The Joint Registrar of Co-operative Societies,
Ramanathapuram.

2.The Management,
Paramakudi Co-operative Urban Bank Limited,
2/378, M.S.Meenakshi Sundarapura Agraharam,
Paramakudi 623 707,
Ramanthapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent relating to the orders passed dated 21.06.2022 and quash the same as void and illegal, and it is also prayed to direct the second respondent to reimburse the amounts remitted by the petitioners as compelled by the second respondent through the impugned order and grant such other relief(s) as expedient to the facts and circumstances of the matter.

For Petitioners : Mr.M.Ganesan

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The challenge in this writ petition is only to the proceedings of the second respondent issued on 21.06.2022. It is seen that the petitioners have filed revision under Section 153 of the Tamil Nadu Co-operative Societies Act before the first respondent. The first respondent vide order dated 17.02.2023 has declined to entertain the same primarily on the ground that it was filed beyond the period of 90 days. Even though the challenge in this writ petition is only to the proceedings dated 21.06.2022 issued by the second respondent, I mould the relief.

3.There is no prohibition in the provisions of the Tamil Nadu Co-operative Societies Act or the Rules framed thereunder against condonation of delay in filing revision petitions. The first respondent is deemed to have the incidental power to condone the delay in filing revision

petitions. In this view of the matter, I permit the petitioners to file a fresh petition under Section 153 of the Tamil Nadu Co-operative Societies Act before the first respondent. The petitioners are given liberty to file such a petition within a period of two weeks from the date of receipt of a copy of this order. A condone delay petition shall also be filed. On such filing, the first respondent shall condone the delay and dispose of the revision petition on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. Direction has been given to the first respondent only to condone delay and entertain the revision petition. It is for the first respondent to pass appropriate order on merits and in accordance with law.

4.This writ petition is disposed of accordingly. There shall be no order as to costs.

13.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Joint Registrar of Co-operative Societies,
Ramanathapuram.

G.R.SWAMINATHAN, J.

MGA

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