



W.P(MD)No.7959 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7959 of 2023

and

W.M.P.(MD)No.7344 of 2023

G.Chandrasekaran

... Petitioner

Vs.

The President,
MDA HSG 109, Rajapalayam Taluk,
Co-operative Housing Society,
286/2, Pannaiyar Street,
Chinnasuraikaipatti, Rajapalayam,
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order dated 01.04.2023 on the file of the respondent and quash the same as illegal.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.S.Gurusamy

ORDER

Heard the learned counsel on either side.



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2. This Court indicated that the writ petition may not be maintainable in view of the order dated 29.04.2022 passed by the Hon'ble Division Bench in W.A.(MD)No.431 of 2011 (P.Manimaran Vs. The Joint Registrar/Managing Director, Sivagangai District Central Co-operative Bank Limited). The learned counsel thereupon sought leave to withdraw the writ petition. The writ petition is dismissed as withdrawn.

3. However, it is seen that the impugned order of dismissal has been passed by the respondent even without holding an enquiry. It is also stated that the President of the society had passed the impugned order one day prior to the expire of his tenure. There appears to be substantial grounds in favour of the petitioner. Taking in account the special circumstances, if the petitioner files any revision before the competent authority under Section 153 of the Tamil Nadu Cooperative Societies Act, the same shall be entertained and disposed of on merits and in accordance with law within a period of four weeks thereafter.

4. The petitioner's counsel states that he will file the revision petition on 17.04.2023. The competent authority (it is stated that the Registrar of Cooperative Societies (Housing) is competent to entertain the revision petition)



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shall fix the date of hearing as 28.04.2023. Since the respondent is represented by a counsel, even if the respondent does not receive any notice, revision shall be presented before the competent authority on 28.04.2023 at 03.00 p.m. The revisional authority shall hear both the parties and pass final order on merits and in accordance with law on or before 31.05.2023. With this liberty to the petitioner to approach the revisional authority and direction to the revisional authority to dispose of the matter in a time bound manner, the writ petition is dismissed as withdrawn. All the contentions of the petitioner are left open. Register is directed to return the impugned order in original to the learned counsel appearing for the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

11.04.2023

Index : Yes / No
Internet : Yes/ No
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NOTE:Issue Order Copy on 12.04.2023.



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G.R.SWAMINATHAN, J.

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