



W.P(MD)No.9349 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9349 of 2019

and

W.M.P(MD).No.7355 of 2019

P.T.R.Rajagopal

... Petitioner

Vs.

1.The Joint Registrar Co-operative Societies,
Thoothukudi Region,
T.R.Naidu Street, Thoothukudi.

2.The Deputy Registrar of Co-operative Societies,
Kovilpatti, Thoothukudi District.

3.The Enquiry Officer &
The Co-operative Sub Registrar,
Public Distribution System,
Vilathikulam, Thoothukudi.

4.S.Pandi

... Respondents

(R4 is impleaded vide Court order dated 07.12.2022 in W.M.P(MD).No.11539 of 2019 in W.P(MD).No.9349 of 2019)

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 relating to the order Na.Ka.No.1168/2018. Sa.O. Dated 28.02.2019 passed by the first respondent under Section 36 of the Tami Nadu Co-operative Societies Act 1983 and quash the same.



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For Petitioner : Mr.A.Thirumurthy
For Respondents : Mr.A.Sivanu Pandian
Government Advocate (R1 to R3)
Mr.N.MadhavaGovindan (for R4)

ORDER

Heard the learned counsel on either side.

2. The writ petitioner challenges the impugned order dated 28.02.2019, whereby he has been disqualified under Section 36 of the Tamil Nadu Co-operative Societies Act. The learned counsel for the petitioner challenges the impugned order on very many grounds. All the contentions set out in the affidavit filed in support of the writ petition were reiterated. It was specifically submitted that on the same cause of action, sur-charge proceedings were initiated against the writ petitioner and that an adverse order was passed against him. The petitioner successfully challenges the same before the Co-operative Tribunal in CMA.No.22 of 2018 on the file of the learned Principal District Judge, Thoothukudi.

3. I wanted to know whether the order passed by the tribunal has become final.



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4. The learned Government Advocate submitted that challenging the order dated 17.09.2019, the department has filed CRP.No.SR15633 of 2020.

5. So long as the order passed by the Co-operative Tribunal in favour of the writ petitioner is holding good, the impugned order cannot be given effect to. The order impugned in this writ petition will abide by the outcome of the CRP filed by the department against the order dated 17.09.2019 passed by the Co-operative Tribunal/Principal District Judge, Thoothukudi. The impugned order shall not be given effect to till then. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

30.01.2023

NCC : Yes / No

Index : Yes / No

Rmk

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G.R.SWAMINATHAN, J.,

Rmk

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