



W.P(MD)No.13220 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13220 of 2023

and

W.M.P(MD)No.11174 of 2023

Yavanika .S

... Petitioner

Vs

The Deputy Registrar (Dairying),
Executive Magistrate,
Office of the Sub Registrar (Dairying),
Old Collectorate, Tiruchirappalli.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the Impugned order under 87 (1) of the Act passed by the respondent dated 20.01.2023 in Tha.Va.No. 06/2022 and quash the same.

For Petitioner : Mr.S.Karthikeyan

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



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ORDER

Let me not enter into a detailed discussion on the facts.

2. Learned counsel for the petitioner stated that a preliminary enquiry was conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983. The name of the petitioner was dropped. But on the basis of the statement of one of the witnesses, further proceedings were initiated under Section 87(1) of the said Act and the impugned order was passed on 20.01.2023. It has been further stated that a copy of the order was served on the petitioner only on 17.04.2023. There is an appeal provision available under Section 152(1) of the very same Act.

3. The petitioner may file necessary appeal and in the grounds of appeal, may also raise the fact that the name of the petitioner was actually dropped in the enquiry under Section 81 of the Act and over looking that particular fact, proceedings under Section 87(1) of the Act had been initiated and the impugned order had been passed.



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4. I am confident that the appellate authority will give due appreciation to the particular ground raised by the petitioner herein. Giving liberty to the petitioner to file a regular appeal as provided under the Act, the writ petition, since a direction is given, disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.06.2023

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

Note: Registry may return back the original impugned order to the learned counsel for the petitioner who may substitute the same by filing a xerox copy certified by him as true copy, for the sake of records. The said original order may be returned on a memo filed by the learned counsel within five working days from the date of receipt of the memo filed by the counsel.

PNM

To

The Deputy Registrar (Dairying),
Executive Magistrate,
Office of the Sub Registrar (Dairying),
Old Collectorate, Tiruchirappalli.



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C.V.KARTHIKEYAN, J.

PNM

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