



W.A.(MD)No.1354 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1354 of 2013

P.Kanagaraj

...Appellant

/Vs./

- 1.The Registrar of Co-Operative Societies,
Kilpauk, Chennai-10.
- 2.The Deputy Registrar of Co-operative Societies,
Thuckalay Circle, Thuckalay,
Kanyakumari District.
- 3.The Special Officer,
No.93, Viluthaiambalam Primary Agriculture
Co-op. Societies,
Kanyakumari District.

...Respondents

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to
allow this appeal and set aside the order of this Court dated 14.09.2010
passed in W.P.(MD)No.7285 of 2008.



W.A.(MD)No.1354 of 2013

For Appellant : Mr.Mohana Sundaram
for Mr.C.K.M.Appaji
For Respondents : Mr.K.S.Selvaganesan (R1 & R2)
Additional Government Pleader
No appearance (R3)

JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

Read this judgment in conjunction with and in continuation of
the order dated 03.07.2023, which reads as follows:

“The appellant has challenged an order dated 14.09.2010 disposing a batch of Writ Petitions relegating the Writ Petitioners to the Statutory authorities for appropriate relief. One among those petitioners is the appellant before us, whose prayer is only for a Mandamus, since in his case, no adverse order had been passed. In fact, the prayer of the appellant before us is set out in his representation, dated 23.02.2008, wherein, he requests the disbursal of dearness allowance arrears from 01.07.1997 to 30.04.2007 in terms of G.O.Ms. 97, Co-operation, Food and Consumer Protection Department, dated 28.03.2001.

2.A copy of the counter of the third respondent, ie., the Special Officer of No.93, Vilunthaiambalam Primary Agriculture Co-operative Society, is circulated and the stand therein is that the Writ Petition is not maintainable and that



W.A.(MD)No.1354 of 2013

the appellant must be relegated to statutory remedy. We find this stand unacceptable to the reason that there is no order per se that has been passed against the appellant, as against which, the appellant could be relegated to statutory remedy.

3.Thus, noting that the prayer before us is identical to the prayer raised in representation dated 23.02.2008, it is appropriate that the second respondent, being the Deputy Registrar of Cooperative Societies, Thuckalay, Kanyakumari District, dispose the representation within a period of two weeks.

4.To facilitate the above process, as the Writ Petition is of the year 2010, the appellant may appear before the second respondent on 11.07.2023 at 10.30 a.m., with a copy of the representation, Government Orders and all other documents, upon which he relies. Let an order be passed by the second respondent on or before 25.07.2023.

5.List this matter on 27.07.2023 for production of the order as above.”

2. Both parties state that hearing was conducted on 11.07.2023 as directed in the order above. Orders have been passed on 24.07.2023 and a copy of the order has been handed over to the learned counsel for the appellant for onward transmission to the writ petitioner / appellant.



W.A.(MD)No.1354 of 2013

WEB COPY

3. On a perusal thereof, it appears that the request of the writ petitioner / appellant has been substantially considered, though not totally. Liberty is granted to the writ petitioner / appellant to take request of remedial measures if he is so advised.

4. In light of the narration aforesaid, nothing survives in this Writ Appeal as mandamus sought at the original instance has now been achieved. This Writ Appeal is closed. No costs.

[A.S.M.J.] & [R.V.J.]
27.07.2023

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



W.A.(MD)No.1354 of 2013

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Kilpauk, Chennai-10.
- 2.The Deputy Registrar of Co-operative Societies,
Thuckalay circle, Thuckalay,
Kanyakumari District.



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W.A.(MD)No.1354 of 2013

DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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Judgment made in
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27.07.2023