



W.P.No.23694 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.23694 of 2012
and M.P.No.1 of 2012

R.Sakthivel

... Petitioner

Vs.

1.The Registrar of Co-operative Soceties,
N.V.Natarajan Maligai,
Poonamalle High Road,
Kilpauk,
Chennai – 600 010.

2.The Joint Registrar of Co-operative Societies,
Erode Region,
Karungalpalayam,
Erode.

3.The Special Officer,
A.A.82, Vilakkethy Primary Agricultural
Co-operative Credit Society Limited,
Vilakkethy (Post),
Sivagiri (Via),
Erode District – 368 109.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent in N.Dis No.6224/2010 and quash the order passed therein



W.P.No.23694 of 2012

dated 09.08.2010 and direct the second respondent to entertain the revision petition filed by the petitioner.

WEB COPY

For Petitioner : Mr.A.P.Srinivas
Mr.Sri Balaji

For Respondents 1 & 2 : Mr.A.M.Ayyadurai,
Government Advocate

For Respondent 3 : Mr.L.P.shanmugasundaram

ORDER

The petitioner has filed this writ petition to call for the records records of the second respondent in N.Dis No.6224/2010 and quash the order passed therein dated 09.08.2010 and direct the second respondent to entertain the revision petition filed by the petitioner.

2. Learned counsel for the petitioner submitted that the petitioner was appointed as a salesman in the third respondent society on 26.02.2001. Thereafter, the petitioner was regularized in the service by the third respondent with effect from 01.07.2006 and service register is also maintained for the petitioner. This being the case, without conducting any enquiry or issuing show cause notice, the third respondent passed an order



W.P.No.23694 of 2012

dated 31.07.2010, dismissing the petitioner from the service.

WEB COPY

3. Learned counsel for the petitioner would further submit that challenging the aforesaid dismissal order 31.07.2010, the petitioner has preferred a revision petition before the second respondent and the same was returned vide his proceedings in N.Dis.No.6224/2010, dated 09.08.2010 stating that it is not in accordance with Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 and Rule 169 of the Tamil Nadu Co-operative Societies Rules, 1988. Aggrieved over the said order dated 09.08.2010, the petitioner has come forward with the present writ petition.

4. When the matter was taken taken up for hearing, learned Government Advocate appearing for the respondents 1 & 2 submitted that the petitioner has filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 before the second respondent and the same was returned, since it was not in compliance with Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 and Rule 169 of the Tamil Nadu Co-operative Societies Rules, 1988.



W.P.No.23694 of 2012

WEB COPY

5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the above submission made by the learned counsel on either side, this Court issues the following directions:

(i) The petitioner is directed to rectify the defects pointed out in the petition returned by the second respondent and re-present the same, within a period of four weeks from the date of receipt of a copy of this order.

(ii) On receipt of the same, the second respondent is directed to consider the same, if it is otherwise in order that may be taken on file and pass appropriate orders on merits and in accordance with law second, within a period of three months thereafter.

7. This writ petition is disposed of with the above observation and directions. No costs. Consequently, connected miscellaneous petition is also closed.

13.03.2024 (vm)

Page No.4 of 7



W.P.No.23694 of 2012

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

- 1.The Registrar of Co-operative Socceities,
N.V.Natarajan Maligai,
Poonamalle High Road,
Kilpauk,
Chennai – 600 010.
- 2.The Joint Registrar of Co-operative Societies,
Erode Region,
Karungalpalayam,
Erode.
- 3.The Special Officer,
A.A.82, Vilakkethy Primary Agricultural
Co-operative Credit Society Limited,
Vilakkethy (Post),
Sivagiri (Via),
Erode District – 368 109.



WEB COPY



W.P.No.23694 of 2012

J.SATHYA NARAYANA PRASAD,J.

vm

W.P.No.23694 of 2012



WEB COPY



W.P.No.23694 of 2012

13.03.2024