



WEB COPY

W.P.No.8894 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.8894 of 2022

S. Ganesan
Petitioner

...

-Vs-

1. The Joint Registrar of Co-operative Societies,
(Revisional Authority U/s 153 of Tamil Nadu
Co-operative Societies Act, 1983)
Salem Region, Salem District.

2. The Management
The Salem Urban Cooperative Bank Ltd.,
No.25, No.405, First Agraharam,
Salem 636 001.

...

Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Na.Ka.No.1087/2021sa.pa dated 20.01.2022 and quash the same and consequently direct the 1st respondent to entertain the revision petition dated 09.02.2021 preferred by the petitioner.

For Petitioner : Mr.N.Kolandaivelu

For Respondents : Mr.P.Ganesan
Government Advocate



ORDER

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This writ petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Na.Ka.No.1087/2021sa.pa dated 20.01.2022 and quash the same and consequently direct the 1st respondent to entertain the revision petition dated 09.02.2021 preferred by the petitioner.

2. The learned counsel appearing for the petitioner submitted that the petitioner has challenged the impugned order passed by the 1st respondent in Na.Ka.No.1087/2021sa.pa dated 20.01.2022 and the said order has been in exercise of power under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. By the said order, the revision filed by the petitioner was rejected on the ground that it has been filed beyond the period of limitation of 90 days. The said reasoning is incorrect as it has been categorically held by this Court already in the case of *M.P.Palanisamy Vs State of Tamil Nadu* reported in **(2012) 4 CTC 257** holding that the period of 90 days mentioned in Section 153 is not a period of limitation but it is meant for expeditious conduct of proceedings.

3. Heard both sides and perused the materials available on record.



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4. The respondents cannot reject the revision only on the ground of limitation and ought to have considered the same on merits. Accordingly, this writ petition is allowed on the following terms:-

(1) The impugned order passed by the 1st respondent in Na.Ka.No.1087/2021sa.pa dated 20.01.2022 shall stand quashed;

(2) The matter is remitted back to the file of the 1st respondent to consider the revision of the petitioner on its own merits and in accordance with law and dispose of the same after affording an opportunity of hearing both the parties as expeditiously as possible, in any event within period of three months from the date of receipt of a copy of this order. No costs.

21.06.2024

Neutral Citation: Yes/No
dpq



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D. BHARATHA CHAKRAVARTHY, J.

dpq

To

1. The Joint Registrar of Co-operative Societies,
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