



WEB COPY



W.P.No.8872 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8872 of 2024
and W.M.P.No.9876 of 2024

J.Sathish

... Petitioner

-Vs-

1. The Joint Registrar of Co-operative Societies,
Krishnagiri Region,
Krishnagiri,
Krishnagiri District.
2. The Deputy Registrar of Co-operative Societies,
Krishnagiri Circle,
Krishnagiri,
Krishnagiri District.
3. K.K.Moongileri Primary Agricultural
Co-operative Credit Society,
represented by the Administrator,
Keelkuppam Post,
Uthangarai Taluk,
Krishnagiri District,
Pin:635 207.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in his proceedings made in Na.Ka.No.4722/2023/SaPa dated 14.02.2024 and quash the same and consequently direct the first respondent to decide the revision petition dated 08.09.2023 on merit within the time frame.



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For Petitioner : Mr.J.Pradeep
For R1 and R2 : Mr.P.Sathish
Additional Government Pleader
For R3 : Mr.S.Balamurugan
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 14.02.2024, thereby rejected the revision filed by the petitioner, on the ground of delay.

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

3. The petitioner was appointed as a Salesman on 22.03.2012 in the Ration Shop run by the third respondent Society. Due to his ill health, he had taken medical leave. Thereafter, he had approached the third respondent seeking permission to rejoin in the duty. However, the third respondent terminated the petitioner, on the ground that already the petitioner had resigned from his post. Aggrieved by the same, the petitioner preferred revision before the first respondent under Section 153 of the Co-operative Societies Act belatedly.



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4. As per Section 153 of the Co-operative Societies Act, within a period of 90 days, the petitioner ought to have filed the revision. However, this Court, repeatedly held that the said limitation period referred under Section 153 of the Co-operative Societies Act is directory in nature and not mandatory.

5. In view of the above, the impugned order cannot be sustained and it is liable to be quashed. Accordingly, the proceedings made in Na.Ka.No.4722/2023/SaPa dated 14.02.2024 passed by the first respondent, is hereby quashed. The first respondent is directed to consider the revision filed by the petitioner and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

28.03.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
mn



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G.K.ILANTHIRAIYAN. J,

mn

To

1. The Joint Registrar of Co-operative Societies,
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Krishnagiri,
Krishnagiri District.
2. The Deputy Registrar of Co-operative Societies,
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