



W.P.No.15234 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM:

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

**Writ Petition No.15234 of 2024
and W.M.P.Nos.16575 & 16576 of 2024**

A.Dhananchezhian

... Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies/
Revisional Authority,
Thiruvannamalai Region,
Thiruvannamalai, Thiruvannmalai District.
2. The Deputy Registrar of Cooperative Societies/
Thiruvannamalai Circle,
Thiruvannamalai, Thiruvannamalai District.
3. The Cooperative Sub Registrar/Administrator,
H.H. 484, Azhaganandhal Primary Agricultural
Cooperative Credit Society,
Azhaganandhal Village,
Kolakkudi Post – 606 808,
Thiruvannamalai Taluk,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings No.Nil, dated 27.05.2024 and quash the same.



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W.P.No.15234 of 2024

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.N.Naveen Kumar,
Government Advocate [R1 & R2]
Mr.M.Rajendran,
Additional Govt. Pleader [R3]

ORDER

The petitioner has filed this writ petition challenging the order passed by the Sub-Registrar of Cooperative Societies in his capacity as Administrator of the society.

2. By the said order, the petitioner's promotion as Clerk is cancelled and the petitioner is reverted to the post of Office Assistant.

3. Normally, the writ petition as against the order passed by the Co-operative societies is not maintainable as the Co-operative society is not a local or the other authority within the meaning of Section 12 of the Constitution. The petitioner has to avail the remedy of filing a revision under Section 153 of the Co-operative Societies Act, 1983. But, in this case, the learned counsel for the petitioner submits that earlier the writ petitioner aggrieved by the order passed in the review petition No.1 of



W.P.No.15234 of 2024

2020 dated 08.04.2024 filed writ petition in W.P.No.14312 of 2024 and this Court has granted an order of interim stay. In spite of the said stay order, the present order is communicated to the petitioner on 01.6.2024. In view of the extraordinary circumstances, this writ petition is entertained.

4. Mr.N.Naveenkumar, learned Government Advocate takes notice for the first and second respondents.

5. Mr.M.Rajendran, learned Additional Government Pleader taking notice for the third respondent would make submissions that the interim order passed by this Court was on 29.05.2024, whereas the impugned order in this writ petition was passed on 27.05.2024 itself.

6. Be that as it may, it can be seen that, by the impugned order, the petitioner was reverted from the post of Clerk to Office Assistant. Hence, the impugned order visits the petitioner with civil consequences. On a perusal of the impugned order, it is very clear that no show cause notice is issued prior to the passing of the impugned order. The respondents cannot pass such an order without affording an opportunity to the



W.P.No.15234 of 2024

petitioner and without considering the objections that may be submitted
by the petitioner.

7. In view thereof, this writ petition is allowed on the following terms:

1. The impugned order dated 27.05.2024 shall stand quashed.
2. However, the third respondent will be at liberty to carry out the exercise afresh by issuing a show cause notice to the petitioner. Once the show cause notice is issued, the petitioner will be entitled to raise all contentions including the contention that there is an interim stay of this Court. It is for the third respondent to consider the said objection that may be raised by the petitioner on its own merits and in accordance with law.
3. No costs. Connected miscellaneous petitions are closed.

11.06.2024

Neutral Citation: Yes/No
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To



W.P.No.15234 of 2024

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W.P.No.15234 of 2024

D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.15234 of 2024

11.06.2024