



W.P.No.17139 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.17139 of 2024

and

W.M.P.Nos.18916 & 32227 of 2024

R.M. Rajendran

.. Petitioner

-VS-

- 1.The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road, Kilpauk,
Chennai – 600 010.

- 2.The Deputy Registrar of Co-operative Societies,
Tiruchengode Circle,
No.48/A 2nd Floor,
Sudhahar Complex,
Paramathivelur Road,
Tiruchengode,
Namakkal District – 637 211.



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3.The Administrative/Secretary,
S.234, Kokkalai,
Primary Agricultural Co-operative
Credit Society,
Kokkalai, Namakkal District.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorari calling for the records of the 2nd respondent pertaining to their order dated 01.04.2024 in proceedings CEP No.01/2023(3) and quash the same.

For Petitioner : Mr.Deepanuday

For Respondents : Mrs.Geetha Thamaraiselvan
Special Government Pleader

ORDER

This writ petition has been filed in the nature of Certiorari seeking records of the 2nd respondent, Deputy Registrar of Cooperative Societies at Tiruchengode, Namakkal District with respect to an order dated 01.04.2024 and quash the same.



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2. In the affidavit filed in support of the writ petition it has been stated that the writ petitioner was appointed as a Senior Inspector of Co-operative Societies at Tiruchengode Circle in Namakkal District on 15.07.2013. He had been subsequently promoted as Co-operative Sub Registrar, Public Distribution at Rasipuram Block in Tiruchengode Circle. He had also been appointed as Administrator in Kokkalai, Primary Agricultural Co-operative Credit Society (PACCS) on 03.04.2023. He was on leave for a period of 12 days. On and around 31.05.2023 he was transferred. At that time, he states the Secretary and Writer/Gold Valuator had misappropriated the funds of Kokkalai PACCS. He had intimated the same to the field officer. An enquiry was conducted and it was stated that the property of the petitioner had been attached stating that he had not administered the Society properly. This writ petition has been filed seeking to lift the said attachment.



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3.Learned Special Government Pleader for the respondents however pointed out that subsequent to the enquiry, final orders have been passed under Section 87(1) of the Tamil Nadu Co-operative Societies Act, 1983. A copy of the said order dated 16.09.2024 has also been forwarded for consideration of this Court. It is therefore contended by the learned Special Government Pleader that the writ petition is not maintainable, since it has been filed only against the interim order passed to attach the property. It is further contended that the petitioner has to file an appeal as provided under Section 152 (1)(a) of the Tamil Nadu Co-operative Societies Act, which is as follows:

“152. Appeals – (1) Any person aggrieved by-

(a) any decision or award passed or order made or proceedings taken under Sub-section (1) of Section 87, Sub-section (2), Sub-section (3) or Sub-section (4) of Section 90, Section 118, Section 119, Section 143, Section 144 or Section 167;”



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4. It is clearly seen that when any decision or order had been passed under Section 87(1) of the Act, then an appeal has to be filed before the Registrar of Co-operative Societies. The petitioner has filed the writ petition only against the interim attachment. The writ petition therefore is not maintainable and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.11.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order/Non-speaking order
rsi



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C.V.KARTHIKEYAN, J.

rsi

To

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