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W.P.No.32319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.32319 of 2023

B.K.Kathiravan

... Petitioner

Vs

1. The Erode Cooperative Urban Bank Limited No. 597,
Head Office, Periyar Street,
Erode – 638 001
represented by its Managing Director/Administrator.

2. Deputy Registrar (retired),
Enquiry Officer,
Erode Cooperative Urban Bank Limited,
Periyar Street,
Erode – 638 001.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records
pertaining to enquiry officer report dated 16.06.2023 given by the second
respondent and the consequential explanation called for by the first
respondent in his proceedings dated 27.07.2023 and the consequential order



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of the first respondent dated 12.10.2023 in Na. Ka. No. 1/pa. Tho.(3) and quash the same and in consequence to that direct the respondents to give documents as claimed by the petitioner and to give copy of the deposition of the management witnesses and permit the petitioner to cross examine the management witnesses and follow the principles of natural justice.

For Petitioner : Mr. L.P.Shanmugasundaram

For Respondents : Mr. S.Kaithamalai Kumaran (for R1)

Mr. K.Sudhakar (for R2)

O R D E R

This Writ Petition is filed challenging the order dated 16.06.2023 passed by the second respondent and the consequential explanation called for by the first respondent in his proceedings dated 27.07.2023 and the consequential order of the first respondent dated 12.10.2023 in Na. Ka. No. 1/pa. Tho.(3) and consequential direction to the respondents to give documents as claimed by the petitioner and to give copy of the deposition of the management witnesses and permit the petitioner to cross examine the management witnesses and follow the principles of natural justice.



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2. Heard the learned counsel for both sides and perused the materials placed on record.

3. On a perusal of the records, it is made clear that there is a revision as against the impugned order passed by the first respondent under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 before the jurisdictional Joint Registrar of Co-operative Societies, Therefore, the learned counsel for the petitioner restricts the prayer seeking permission to approach the Revisional Authority to file the appeal.

4. Accordingly, this Writ Petition is disposed of, with liberty to the petitioner to challenge the order impugned in this Writ Petition before the jurisdictional Joint Registrar of Co-operative Societies, within a week from the date of receipt of a copy of this order. On receipt of the same, the Revisional Authority is directed to dispose of the same within a period of four weeks thereafter. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing



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of this Writ Petition, viz., 02.11.2023 till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.08.2024

Index:Yes/No

Neutral Citation/Yes/No

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Note: (i) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.

(ii) Issue order copy on 09.08.2024.

To

1. The Managing Director/Administrator.
The Erode Cooperative Urban Bank Limited No. 597,
Head Office, Periyar Street,
Erode – 638 001.
2. The Deputy Registrar (retired),
Enquiry Officer,
Erode Cooperative Urban Bank Limited,
Periyar Street,
Erode – 638 001.



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G.K.ILANTHIRAIYAN, J.

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