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W.P(MD)No.3992 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3992 of 2024

and

W.M.P.(MD)Nos.3877 & 3878 of 2024

Saravanan

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative
Societies,
Thoothukudi Circle,
Thoothukudi.

2.The Sub Registrar of Co-operative
Societies,
Thoothukudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the 1st respondents proceeding Na.Ka.4253/2022 dated 27.08.2023 and quash the same as illegal.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard both sides.



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2. The petitioner challenges the surcharge order passed under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983.

3. As rightly pointed out by the learned Additional Government Pleader, it is appealable before the Co-operative Tribunal. It appears that because of lapse of time, the petitioner has come to this Court. The petitioner is given liberty to file an appeal before the Co-operative Tribunal. If such an appeal is filed within three weeks from the date of receipt of a copy of this order, it shall be entertained without reference to limitation and disposed of on merits and in accordance with law. It is for the petitioner to move the Tribunal for interim relief. The tribunal will take a call as per law based on the materials on record. However, considering the special facts and circumstances of this case, the surcharge order will not be enforced against the petitioner for a period of eight weeks from the date of receipt of a copy of this order. All the contentions and defences of the petitioner are left open.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

21.02.2024

Index : Yes / No
Internet : Yes/ No
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NOTE: Issue Order Copy on 07.03.2024



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- To
- 1.The Deputy Registrar of Co-operative Societies,
Thoothukudi Circle,
Thoothukudi.
 - 2.The Sub Registrar of Co-operative Societies,
Thoothukudi.



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G.R.SWAMINATHAN, J.

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