



W.P(MD)No.6261 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6261 of 2024

and

W.M.P.(MD)No.5867 of 2024

1.M.Alagaiah

2.C.Kuttydurai

3.G.Santhoor Pandiyan

... Petitioners

Vs.

1.The Joint Registrar of Co-operative Societies,
Tenkasi Division, Tenkasi.

2.The Deputy Registrar of Co-operative Societies,
Tenkasi Division, Tenkasi.

... 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 in pertaining to the impugned order of the 1st respondent in Na.Ka.No.3984/2021/Sa.Pa dated 08.12.2023 and quash the same as arbitrary, illegal and without jurisdiction.

For Petitioners : Mr.V.S.Kishok Kumar

For Respondents : Mr.K.S.Selvaganeshan,
Addl. Government Pleader.



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ORDER

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Heard both sides.

2.The petitioners have been permanently disqualified under Section 36 of the Tamil Nadu Cooperative Societies Act, 1983. The learned counsel for the petitioners points out that the enquiry report indicts the secretary only. The petitioners were members of the board. There is no adverse finding against the petitioners.

3.I am of the view that the petitioners can raise all these contentions before the appellate authority. The learned counsel for the petitioners draws my attention to the order dated 18.01.2024 made in W.P.(MD)No.125 of 2021. The impugned order shall be put on hold and kept in abeyance for a period of eight weeks from today ie., 06.03.2024. The petitioners undertake to file an appeal before the appellate authority under Section 152 of the Act within a period of two weeks from the date of receipt of a copy of this order. If such an appeal is filed, it shall be entertained without reference to limitation. The writ petitioners are also at liberty to seek interim relief. The stay application to be filed by the petitioners will be disposed of within a period of four weeks thereafter.



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4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Joint Registrar of Co-operative Societies,
Tenkasi Division, Tenkasi.
- 2.The Deputy Registrar of Co-operative Societies,
Tenkasi Division, Tenkasi.



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G.R.SWAMINATHAN, J.

ias

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