



W.P.(MD)No.18807 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18807 of 2024

C.V.Paulraj

... Petitioner

Vs.

1.The Registrar of Co-Operative Society,
The Registrar Co-Operative Society Office,
No. 170, Periyar E.V.R. Highway,
Keelapaakam, Chennai 2.

2.The Joint Registrar of Co-Operative Society,
The Joint Registrar of Co-Operative Society Office,
Near Head Post Office of Palayamkottai,
Tirunelveli 627 002.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to number the petitioner's Condone Delay in Filing Petition under Section 152 (3) of Tamil Nadu Co-Operative Societies Act, dated 14.06.2024 received by the 1st respondent on 18.06.2024, within the time frame fixed by this Court.

For Petitioner

: Mr.K.Gokul

For Respondents

: Mr.D.Sadiq Raja,
Addl. Govt. Pleader



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ORDER

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This Writ Petition has been filed seeking direction to the 1st respondent to number the petitioner's Condone Delay in Filing Petition under Section 152 (3) of Tamil Nadu Co-operative Societies Act, 1983 dated 14.06.2024 received by the 1st respondent on 18.06.2024, within the time frame fixed by this Court.

2. With the consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he has filed an appeal against an order passed by the 2nd respondent under Section 36 of the Tamil Nadu Co-operative Societies Act, 1983. However, the said appeal has not been numbered and entertained on the ground that it has been filed nearly after 20 years. Hence, the petitioner has filed this Writ Petition.

4. Considering the facts and circumstances of the case, this Court is of the view that when the appeal is filed even after the delay, it is for the appellate authority to admit the appeal on merits. Though 60 days period is provided under sub-clause (3) of Section 152 of the Tamil Nadu Co-operative Societies Act, 1983, the appellate authority may admit an appeal preferred after the said period of sixty



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days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period. Therefore, it is for the appellate authority to decide whether any sufficient cause has been shown for not filing the appeal within the said period of sixty days.

5. In such view of the matter, this Court directs the appellate authority viz., the first respondent to consider the petitioner's Condone Delay in Filing Petition under Section 152 (3) of Tamil Nadu Co-operative Societies Act, 1983 dated 14.06.2024 and to decide whether any sufficient cause has been shown for not filing the appeal within the said period of sixty days and thereafter, pass orders on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

05.08.2024

NCC : Yes/No
Index : Yes/No
vsm

Note: Registry is directed to return the original impugned order to the learned counsel for the petitioner, after obtaining necessary endorsement.

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N.SATHISH KUMAR, J.

vsm

To

1. The Registrar of Co-Operative Society,
The Registrar Co-Operative Society Office,
No. 170, Periyar E.V.R. Highway,
Keelapaakam, Chennai 2.
2. The Joint Registrar of Co-Operative Society,
The Joint Registrar of Co-Operative Society Office,
Near Head Post Office of Palayamkottai,
Tirunelveli 627 002.
3. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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