



CMP(MD) No.2952 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Sixth day of April Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and
The Hon`ble Mr.Justice G.ARUL MURUGAN

C.M.P.[MD]No.2952 of 2024
in
W.A.[MD]SR.No.95959 of 2023

THE SECRETARY
M.D.SPL 95, JEYAMANGALAM PRIMARY AGRICULTURAL,
COOPERATIVE CREDIT SOCIETY,
JEYAMANGALAM POST,
PERIYAKULAM TALUK,
THENI DISTRICT.

... PETITIONER/ APPELLANT

(CAUSE TITLE IS ACCEPTED VIDE COURT ORDER
DT.9/1/2024 MADE IN CMP(MD).203/2024 IN WA(MD)
SR.No.95959/2023 by DKKJ & RVJ)

Vs

1 K.MALAISAMY

2 THE JOINT REGISTRAR OF COOPE
RATIVE SOCIETY, THENI,
THENI DISTRICT.

3 THE COOPERATIVE SUB REGISTRAR / SECRETARY,
M.D.SPL 95, JEYAMANGALAM PRIMARY AGRICULTURAL,
CO-OPERATIVE CREDIT SOCIETY,
JEYAMANGALAM POST,
PERIYAKULAM TALUK,
THENI DISTRICT

... RESPONDENTS/RESPONDENTS



CMP(MD) No.2952 of 2024

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 630 days in filing the writ appeal against the impugned order in W.P. (MD).No.10932 of 2017 dated 20-01-2022 on the file of this Hon'ble Court and thus render justice.

PRAYER IN WA(MD)SR.No.95959/2023:

Pleased to set aside the order passed in WP(MD).No.10932 of 2017 dated 20.01.2022 on the file of this Hon'ble Court.

Prayer in WP(MD). 10932/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records connected with the Impugned Order passed by the 1st respondent in his Proceedings Na.Ka.No.5218/2013 Sa.Pa.dated 26.12.2014 and the consequential Order of the 1st respondent in Letter No.AaThi.Mu.2811/2016 Sa.Pa.dated 8.7.2016 and quash the same and consequently direct the respondents to re-instate the petitioner in to service with all other monetary and service with all other monetary and service benefits in the light of the orders of the Hon'ble High Court in CRL RC(MD)No.134 of 2016 dated 10.06.2016.

ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.JOSHUA, Advocate for the petitioner and of Mr.S.GOVINDAN, Advocate on behalf of the 1st Respondent and Mr.A.KANNAN, Additional Government Pleader on behalf of the Respondents No.2 & 3, the court made the following order:-

(Order of the Court was made by R.SURESH KUMAR, J.)

This petition is filed to condone the delay of 630 days in re-presenting the W.A.[MD]SR.No.95959 of 2023.

2.Heard both sides.



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3. Since the delay of 630 days is huge, for which though some reasons have been stated in the affidavit filed in support of this petition, where the earlier writ petition has been withdrawn, without going into the issue by the erstwhile President, subsequently, it had taken some time to get legal opinion and thereafter, move this writ appeal and therefore, there has been a delay, we are of the view that, the delay if at all to be allowed, is to be allowed on terms.

4. Accordingly, this Civil Miscellaneous Petition is allowed on condition that the petitioner shall pay a sum of Rs.5000/- [Rupees Five Thousand only] as cost, ie., Rs.2500/- to the first respondent and Rs.2500/- to the 2nd and 3rd respondents, through the learned Counsel and learned Government Pleader appearing for the parties.

sd/-
26/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MR
TO
1 THE JOINT REGISTRAR OF COOPERATIVE SOCIETY, THENI,
THENI DISTRICT.



CMP(MD) No.2952 of 2024

2 THE COOPERATIVE SUB REGISTRAR / SECRETARY,
M.D.SPL 95, JEYAMANGALAM PRIMARY AGRICULTURAL,
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JEYAMANGALAM POST,
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THENI DISTRICT

3 THE SECRETARY
M.D.SPL 95, JEYAMANGALAM PRIMARY AGRICULTURAL,
COOPERATIVE CREDIT SOCIETY,
JEYAMANGALAM POST,
PERIYAKULAM TALUK,
THENI DISTRICT.

ORDER IN
C.M.P.[MD]No.2952 of 2024
in
W.A.[MD]SR.No.95959 of 2023
Date :26/04/2024

SA/JGB/SAR. /03.05.2024/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.