



W.P.No.5860 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.5860 of 2004
and
W.P.M.P.No.372 of 2009

The Sree Meenakshi Mills Limited
now called
GHCL Limited,
rep. By its Authorised Signatory,
Mr.S.Ramesh,
having its office at
TPK Road, Madurai – 625 003.

.. Petitioner

VS

1.The Special Tribunal for Co-operative Cases,
The Principal District Court,
Madurai.

2.The Deputy Registrar,
Cooperative Societies,
Tallakulam Road, Madurai – 625 002.

3.The Secretary,
A-2403 Sri Meenakshi Mills,
Employees Cooperative Credit Society Ltd.,
Vasanthanagar,
T.P.K.Road, Madurai – 625 003.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the proceedings of the impugned order dated 27.01.2004 passed by the first respondent in C.M.A.(CS) No. 15 of 2001 and quash the same with the direction to the third respondent to claim simple interest at the rate of 12% on the uncapitalized principal



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amount of Rs.37,82,221.67 as on 25.02.2001 from the petitioner till realization are concerned.

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For Petitioner : Mr.Shivakumar
For Respondents : Mr.S.Ravikumar
Special Government Pleader
for R2
Mr.S.Suresh for R3
R1 - Tribunal

ORDER

The writ petition challenges the order passed by the Cooperative Tribunal-cum-learned Principal District Judge at Madurai in C.M.A.(C.S.) No. 15 of 2001 dated 27.01.2004.

2. The Cooperative Tribunal formed under Section 151 of the Tamil Nadu Cooperative Societies Act is presided over by a District Judge and in areas where there two or more District Judges, by the senior most amongst them. This is pursuant to the notification issued by the Government of Tamil Nadu in G.O.(Ms). No. 247, Cooperation, Food and Consumer Protection Department dated 08.11.1994.

3. A Division Bench of this Court in ***E.S.Sundara Mahalingam v The Special Tribunal for Cooperative Cases, Tirunelveli and others in W.A.No. 4021/2019 dated***



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22.11.2019 has held that a writ petition challenging an order of a District Court under Article 226 is untenable. The Division Bench had given the liberty to the writ petitioner therein to invoke Article 227 of the Constitution of India to challenge the same.

4. Mr.Shivakumar, representing M/s. Shivakumar & Suresh urges that the view of the Division Bench is contrary to that of the Supreme Court in **Jogendrasinhji Vijaysinghji v State of Gujarat and others (2015) 9 SCC 1**. I should point out here that the Supreme Court in **Mukri Gopalan Vs Cheppilat Puthanpurayil Aboobacker (1995) 5 SCC 5**, interpreting Section 18 of the Kerala Buildings (Lease and Rent Control) Act of 1965, had concluded that where an authority is constituted by designation having jurisdiction over the area over which the Act extends, it does not cease to become a Court and cannot be held as a *persona designata*. In case, it is a Court within the meaning of the sovereign system of courts, as held in **Radhey Shyam and another v Chhabi Nath and others (2015) 5 SCC 423**, then this writ petition would not be maintainable. Hence, applying the judgments of the Division Bench and of the Supreme Court, I have to hold that the writ petition is not maintainable. It is, accordingly, dismissed.



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5. I also notice that the order impugned in this case is that of the Principal District Judge at Madurai. Hence, I am not in a position to convert this writ petition into a revision, as this Court does not have the jurisdiction, post the formation of the permanent bench at Madurai. Nonetheless, the party cannot be without a remedy.

6. The Registry is directed to return the original of the impugned order enclosed along with the writ petition to the counsel for the petitioner, after obtaining the usual endorsement. The petitioner can approach the Madurai Bench of the Madras High Court, if he is so advised and prefer a revision under Article 227 of the Constitution of India. While preferring such revision, the period from 08.03.2004 till date will stand excluded, as the petitioner was pursuing a bonafide remedy before the writ jurisdiction of this Court.

7. With the above liberty, the writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

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Index:Yes/No
Neutral Citation:Yes/No
ssm



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V. LAKSHMINARAYANAN, J.,

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