



WMP. No.5390 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.M.P.No.5390 of 2025

in

REV.APLW.SR.No.19682 of 2025

C.Palanisamy

: Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Erode Circle, Erode – 9.

2.The President,
(Now the Administrator),
No.A.A.226, Modakkurichi Primary Agricultural
Cooperative Credit Society,
Modakkurichi Post – 638 104,
Erode District.

3.K.S.Kolandasamy

4.C.Saravanan

: Respondents

For Petitioner : Mr.C.Prakasam

For Respondents 1 & 2 : Mr.B.Tamilnidhi

Additional Government Pleader

For Respondent No.3 : Refused

For Respondent No.4 : No appearance



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ORDER

Heard the learned Counsel for the petitioner and Mr.B.Tamilnidhi, learned Additional Government Pleader appearing for the respondents 1 and 2.

2.Private notice has been sent to respondents 3 and 4. The third respondent has refused notice and the fourth respondent has been served with notice on 20.02.2025.

3.Learned Counsel for the petitioner submits that pursuant to the order of this Court, the respondents 1 and 2 have filed a Contempt Petition and an order came to be passed in the said Contempt Petition. The said order was challenged before the Divisional Bench and the imposition of cost of Rs.25,000/- was set aside and the Contempt Appeal was allowed. Now, the petitioner has therefore sought for review of the order passed in the Writ Petition and because of the intervening circumstances namely, the Contempt proceedings and the Contempt Appeal, the delay has occasioned. The same is neither willful nor wanton.



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4.Learned Additional Government Pleader for the respondents 1 and 2 would however, deny the contentions and submit that the proceedings in Contempt has nothing to do with the petitioner seeking review. Therefore, he seeks for dismissal of this petition.

5.I have carefully considered the submissions of the learned Counsel on either side and I have also gone through the application seeking condonation of delay in filing the Review Application.

6.I find from the affidavit that the petitioner had even moved a Writ Appeal challenging the order of this Court and the same was withdrawn. In the interregnum period, Contempt Petition was also filed and ended in favour of the petitioner though subsequently, set aside by the Division Bench. Therefore, I do not see willful or wanton delay in prosecuting the Review Application. The delay in seeking review is neither willful nor wanton and I am satisfied with the reasons assigned for the delay.



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7. Accordingly, this Writ Miscellaneous Petition is allowed.

Registry is directed to number the Review Application, if it is otherwise in order and post the same for hearing on **14.03.2025**.

07.03.2025

MR



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To

1.The Deputy Registrar of Co-operative Societies,
Erode Circle, Erode – 9.

2.The President,
(Now the Administrator),
No.A.A.226, Modakkurichi Primary Agricultural
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P.B.BALAJI, J.

MR

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