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W.P.No.16290 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.16290 of 2019

A.S.Natarajan (Deceased)

2. Rukmani

3. N.Velmurugan

4. B.Karpagavalli

5. H.Kalpana

(P2 to P5 substituted as LR's of
deceased sole petitioner vide order
dated 20.08.2025 made in
WMP.No.26223/2021 in
W.P.No.16290/2019)

... Petitioners

vs

1. The Joint Registrar of
Co-operative Societies
Cuddalore Division, Cuddalore,
Saravanabhava Super Market Complex,
Pudupalayam, Cuddalore.

2. The Deputy Registrar of

1/12



Co-operative Societies,
Cuddalore.

3. The President,

Adinarayanapuram Primary Agricultural
Co-operative Credit Society Ltd
Adinarayanapuram,
Cuddalore District – 608 801.

4. The President,

Kundiyamallur Primary Agricultural
Co-operative Credit Society Ltd
Kundiyamallur,
Cuddalore District – 607 301.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Certiorari Mandamus, to call for the records of the first respondent in his proceedings A THI MU.No.716/2019 Thu Va Tha.1 and quash his order dated 19.03.2019 and direct the second respondent to consider afresh and pass orders on merits on the application filed under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 dated 11.10.2018 to pay the amounts due to the petitioner towards the petitioners retirement benefits after deducting the amounts due to the society on account of the surcharge proceedings initiated against the petitioner, which has been returned by the second respondent as not maintainable in his proceedings No.Na.Ka.2804/2018 Sa Pa and pass orders.



For Petitioners : Mr.S.Vijayanand

For Respondents : Mr.E.P.Senniyangiri
Government Advocate for R1 & R2

: Mr.L.P.Shanmugasundaram for R3 & R4

ORDER

Heard the learned Senior Counsel for the petitioners and the learned Special Government Pleader on behalf of the respondents and perused the records.

2. Briefly put the case of the petitioner is that he having worked as Secretary of the third respondent, had retired from service on 31.03.2017; that he was not paid retirement benefits, for which, he had filed an application dated 11.10.2018, under Section 90 of the Co-operative Societies Act, 1983 (in short “the Act”), with the Deputy Registrar/second respondent raising a dispute; and that the second respondent, instead of considering the aforesaid application by calling for the records, *vide* proceedings dated 3/12



23.11.2018, returned the said application filed under Section 90 of the Act

claiming that there is no way to proceed with the case under Section 90 of the Act.

3. Petitioner further contended that aggrieved by the return of application by the second respondent filed under Section 90 of the Act, the petitioner had filed revision application under Section 153 of the Act dated 18.02.2019 and the said Revision Petition has also been rejected by the first respondent stating that the proceedings of the second respondent cannot be considered as an order for the petitioner to file revision application under Section 153 of the Act.

4. *Per contra*, learned Government Advocate and the learned Standing Counsel for the respondents would submit that the application filed by the petitioner before the second respondent cannot be considered as one under Section 90 of the Act, since the scope of Section 90 of the Act, does not take



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within its ambit the dispute sought to be raised by the petitioner *i.e.*, with regard to retirement benefit not being extended.

5. The learned counsel appearing on behalf of the respondents further submit that inasmuch the second respondent returned the application filed by the petitioner under Section 90 of the Act refusing to entertain the dispute, the petitioner cannot seek revision under Section 153 of the Act and that the petitioner has to avail other remedies open to him.

6. I have taken note of respective contentions.

7. Section 90 of the Act deals with the dispute touching upon the various matters and sub-clause thereto, provides for dispute between the society or its Board and any past Board, any officer, agent or servant, or any past officer, past agent or past servant, or the nominee, heirs or legal representatives of any deceased officer, deceased agent, or deceased servant of the society.



8. Admittedly, the petitioner (though now deceased) was officer/servant of the Society having retired from the society/fourth respondent as its Secretary, thus the contention of the respondent that the dispute raised by the petitioner would not come within the purview of Section 90 of the Act, does not appeal to this Court for being accepted.

9. The petitioner aggrieved by the non-entertaining of dispute raised by the second respondent in accepting the application submitted under the proceedings dated 23.11.2018 in Na.Ka.2804/2018 Sa Pa, the petitioner had invoked the jurisdiction of the first respondent by submitting the application under Section 153 of the Act, seeking revision of the decision of the second respondent.

10. The first respondent, without taking note of the ambit of Section 153 of Act, had passed impugned order, claiming that no revision can be filed against the proceedings of the second respondent returning the application filed under Section 90 of the Act, as there is no order.



11. However, it is to be noted that Section 153 of the Act which provides for revision does not use the word “order” and on the other hand, uses the word “any proceedings”. The term “any proceedings” connotes wider meaning and is not restricted to orders, Judgments and decrees. Thus, any proceeding affecting the right of the party can seek revision u/s. 153 of the Act and not necessarily be in the form of order. Since, the language of Section 153 of the Act makes it clear that the revision can be filed against the proceedings or authority himself is conferred with the power to *suo motu* call for record and examine the record of such proceedings, the impugned proceedings rejecting the application filed by the petitioner under Section 153 of the Act, seeking revision of the proceedings of the second respondent, in the considered view of this Court, cannot be sustained.

12. In this regard, Reference can be made to decision in *The Manager, Co-op. Tex. & anr. vs. The Secretary Co-op. Urban Bank Ltd., reported in 2011 SCC Online Mad 2023.*

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13. Since, this Court has now come to a conclusion that the scope of Section 153 of the Act is wide enough to entertain the application filed against the decision of the Deputy Registrar even refusing to entertain application filed under Section 90 of the Act, this Court is of the view that the impugned order of the first respondent cannot be sustained and accordingly, the impugned order is set aside. The matter is remitted back to the first respondent to entertain the application submitted by the petitioner on 18.02.2019 and to consider and dispose of the matter by passing a speaking order in accordance with law.

14. Since, the first respondent on passing of the impugned order, having returned the application filed by the petitioner under Section 153 of the Act, the petitioner is directed to re-submit the same within a period of two weeks from the date of receipt of a copy of this order enclosing a copy of the order of this Court.



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Accordingly, this Writ Petition is disposed of. No costs.

29.10.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh



To

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Co-operative Societies
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