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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM :

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.25167 of 2025

and WMP.Nos.28345 & 28346 of 2025

K.Munikrishnan

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies,
Thiruthani Circle, Thirutani
Tiruvallur District

2. The Administrator
Karlambakkam Primary Agricultural
Cooperative Credit Society
Karlambakkam, Pallipet Taluk
Tiruvallur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Thee.Mu.Pa.03/2024-25/E1 (Na.Ka.207/2025/E1) dated 27.02.2025 and quash the same.

For Petitioner

: Mr.C.Prakasam

For Respondents

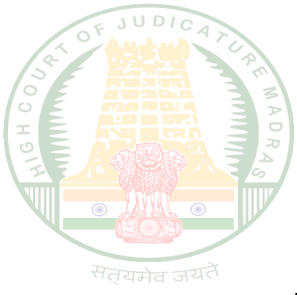
: Mr.T.Chezhiyan for R1

Additional Government Pleader

Mr.K.Tippusultan for R2

Government Advocate

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**ORDER**

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This writ petition is filed for a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent, in his proceedings No.Thee.Mu.Pa.03/2024-25/E1 (Na.Ka.207/2025/E1) dated 27.02.2025 and quash the same.

2. Mr.T.Chezhiyan, learned Additional Government Pleader, takes notice for the 1st respondent. Mr.K.Tippusultan, learned Government Advocate, takes notice for the 2nd respondent.

3. With the consent of both side learned counsels, this matter is taken up for final disposal.

4. The Petitioner's case is that while he was working as Secretary, in the second respondent Society, he was suspended for an alleged illegal activity committed by him. The petitioner states that later, the first respondent ordered

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for enquiry under Section 81 of Tamilnadu Cooperative Societies Act and

immediately thereafter, attachment and auction proceedings were initiated

against the properties of the petitioner's daughter. The petitioner states that his

daughter filed writ petition and obtained interim stay in the said writ petition.

Subsequently, the 1st respondent passed the impugned attachment order against

the petitioner's property in S.F.No.236/7 (Old S.F.No.191/23), in

Karlambakkam Village, to an extent of 1496 sq.ft. Aggrieved by the

impugned order, the petitioner filed the above writ petition for the above

stated relief.

5. The learned counsel for the respondents submitted that the petitioner, without exhausting the alternative remedy available under Section 152 of the Cooperative Societies Act, has approached this court and therefore the writ petition should be dismissed on the ground of non-exhaustion of alternate remedy.

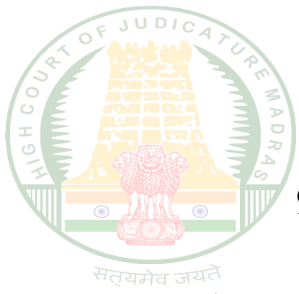


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6. The petitioner's counsel confronted with the aforesaid legal impediment, prayed that the petitioner may be permitted to avail the statutory remedy by condoning the delay in pursuing the same since, under Section 152 of the Co-operative Societies Act, the time limit for preferring the appeal is only 90 days and it has long expired.

7. Heard both counsels and perused the records.

8. From the affidavit filed in support of the writ petition, it is evident that the petitioner has not assigned any reasons for not availing the statutory remedy of appeal under Section 152 of the Co-operative Societies Act. Further, the impugned order was passed on 27.02.2025 and therefore under Sectionn 152 of the Co-operative Societies Act, the limitation period for preferring the appeal has long lapsed.



9. In any event, in the interest of justice and to afford an opportunity to the petitioner, this court is inclined to permit the petitioner to avail the statutory appeal by directing the appellate authority to condone the delay, provided the appeal is filed within a period of two weeks, from the date of receipt of a copy of this order, failing which, the petitioner shall forfeit the liberty so granted.

10. It is reiterated that if, the appeal is filed beyond two weeks, from the date of receipt of a copy of this order, the District Court, shall be at liberty to consider the issue of Limitation also.

11. Accordingly, this Writ Petition is disposed of with the above liberty.

Consequently, connected miscellaneous petitions are closed. No costs.

Index :Yes/No

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Speaking /Non-speaking Order

gv

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N.MALA, J.

gv

To:

1.The Deputy Registrar of Cooperative Societies,
Thiruthani Circle, Thirutani
Tiruvallur District

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