



W.P.(MD)No.3969 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3969 of 2025

and WMP (MD) Nos.2874 & 2875 of 2025

N.Sivakala

: Petitioner

Vs.

1. The Registrar of Co-Operative Societies, Chennai.
2. The Joint Registrar of Co-Operative Societies,
Nagercoil Region.
3. The Deputy Registrar of Co-Operative Societies, Nagercoil.
4. The Managing Director,
Kanyakumari District,
Central Co-Operative Bank.
5. The Administrator,
KN77 Aralvaimozhy,
Cooperative Credit
Society Ltd,
Aralvaimozhy,
Kanyakumari District.
6. The Sub Registrar,
Thovalai,
Kanyakumari District.



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7. The Tahsildar,
Thovalai,
Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pursuant to the impugned proceedings in C.E.P.No.3/2024-25/SF(1) dated 05.08.2024 and the subsequent surcharge proceedings against the petitioner in surcharge case No.1/224-2025/SAPA vide Na.Ka.No. 1683/2024/SAPA dated 27.08.2024 passed by 3rd respondent and quash the same as against the petitioner herein.

For Petitioner : M/s. Polax Legal Solutions,
Ms.A.Lakshmi

For Respondents : Mr.J.K.Jeyaseelan
Government Advocate for R1 to R4, R7
Mr.P.T.Thiraviam
Government Advocate for R6
Mr.R.Maheswaran for R5

ORDER

This writ petition has been filed challenging the impugned proceedings in C.E.P.No.3/2024-25/SF(1), dated 05.08.2024 and the subsequent surcharge proceedings against the petitioner in surcharge case No.1/224-2025/SAPA vide Na.Ka.No.1683/2024/SAPA, dated 27.08.2024, passed by the third respondent.



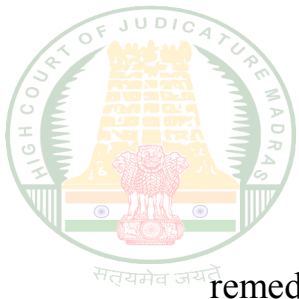
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2. The petitioner's case is that he is a member of the respondent Cooperative Credit Society and had approached the third respondent for obtaining jewel loans. The petitioner's grievance is that alleging misappropriation of funds through bogus jewel loan accounts, the third respondent issued the impugned proceedings against him. Aggrieved by this, the petitioner has filed the present writ petition.

3. The learned Government Advocate, appearing on behalf of the respondents 1 and 3, submitted that any order passed under the Tamil Nadu Cooperative Societies Act is appealable under Section 152 of the Tamil Nadu Cooperative Societies Act. Section 152 provides a statutory remedy to aggrieved parties by allowing them to file an appeal before the Cooperative Appeal Tribunal.

4. Upon considering the above submissions, this Court finds that the petitioner has an alternate remedy available under Section 152 of the Tamil Nadu Cooperative Societies Act, which provides for an appeal before the Cooperative Appeal Tribunal against any order passed under the Act. As such, the petitioner is required to exhaust the statutory



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remedy before seeking relief through a writ petition.

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5. Accordingly, this Writ Petition stands disposed of and the petitioner is granted liberty to file an appeal before the Cooperative Appeal Tribunal for appropriate redressal within one month from the date of receipt of a copy of this order. Upon receipt of such an appeal, the Appellate Tribunal is directed to pass an appropriate order within six months thereafter. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.03.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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