



W.P(MD)No.6312 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2026

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.6312 of 2023

P.Subramaniyan

... Petitioner

Vs

1.The Joint Registrar of Co-Operative Societies,
Government Multi Storage Building,
Kajamalai, Mannarpuram,
Tiruchirappalli - 620 020.

2.R 1616, Appananallur Kollankudi Agricultural
Co-Operative Society Limited,
Represented by its President,
Vasanthapuram Street,
Appananallur Post,
Thottiyam Circle - 621 208,
Tiruchirappalli District.

... Respondents

(R – 2 is suo motu impleaded vide order dated 07.06.2023
in W.P(MD)No.6312 of 2023)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in his proceedings dated 14.02.2023 and quash the same and consequently direct the respondent to condone the delay in filing the revision petition, take the same on file and dispose the revision petition on merits within a stipulated time as fixed by this Court in accordance to law.



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For Petitioner : Mr.S.Karthikeyan

For Respondents : Mr.B.Ramanathan
Additional Government Pleader

ORDER

This Writ Petition has been filed aggrieved by an order passed by the first respondent in Na.Ka.No.9095/2022/sa.pa (Revision Petition No...../2022), dated 14.02.2023, refusing to entertain the said revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as “the Act, 1983”), on the ground that the same was filed beyond the period of 90 days prescribed under the proviso to Section 153 of the Act, 1983.

2.The facts that are relevant for disposal of this Writ Petition are as follows:

2.1.The petitioner, while working as a Junior Clerk in the second respondent Society, was kept in charge of the post of Secretary of another Society by name R1637 Oorakarai Mahadevi Primary Agricultural Co-operative Society Limited. While holding charge of the said Society, a charge memo was issued to the petitioner alleging misappropriation of



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an amount of Rs.6,00,000/-. After conducting a detailed enquiry, the petitioner was dismissed from service by an order dated 25.02.2015 with effect from the date of suspension, i.e., 23.01.2014.

2.2. Aggrieved by the said order of dismissal, the petitioner filed a revision petition before the first respondent herein under Section 153 of the Act, 1983. However, for reasons best known to him, the petitioner chose to withdraw the said revision petition on 20.11.2015. Thereafter, after a lapse of more than seven years, the petitioner filed yet another revision petition before the first respondent against the order dated 25.02.2015 under Section 153 of the Act, 1983. The said revision petition was refused to be entertained by the first respondent on the ground that the same was filed beyond the period of 90 days prescribed under the statute, i.e., after a delay of 7 years, 9 months and 25 days, by order dated 14.02.2023. Aggrieved thereby, the petitioner has filed the present Writ Petition.

3. Learned counsel appearing for the petitioner contended that the first respondent has the power to condone the delay and is under an obligation to entertain a revision petition even if the same is filed beyond



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the period of 90 days, upon considering the reasons furnished for the delay in filing the revision petition. He further placed reliance on a decision of the learned Single Judge of this Court in ***W.P.(MD) No.14467 of 2013, dated 09.12.2016 [P.Ravi Vs. The Joint Registrar of Co-operatives, Maudrai Region, Madurai]***, in support of his contention, and sought for an appropriate direction directing the first respondent to entertain the revision petition and decide the same on merits.

4.On the other hand, Mr.B.Ramanathan, learned Additional Government Pleader appearing for the respondents, submitted that there is no power to condone the delay under the statute if the revision petition is filed beyond the period prescribed under the proviso to Section 153 of the Act, 1983. He further contended that no reasons were assigned by the petitioner for the delay, nor any application was filed seeking condonation of delay.

5.This Court has carefully considered the submissions made on either side and perused the entire materials placed on record.



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6.Insofar as the power of the first respondent to entertain a revision petition filed beyond the period of 90 days is concerned, the same is no more res integra. The issue has already been decided by this Court in the case of *N.P. Palanichamy vs. State of Tamil Nadu and others [2012 (4) CTC 257 (Madras)]*, wherein it was held that in the absence of any provision excluding the application of Section 5 of the Limitation Act, 1963, or any provision mandating rejection of an application filed beyond the period of 90 days, it cannot be said that the first respondent lacks jurisdiction to entertain an application filed beyond the period of 90 days. It was further held that Section 5 of the Limitation Act, 1963 would apply to a revision petition filed under Section 153 of the Act, 1983.

7.In light of the above, there cannot be any dispute regarding the power of the revisional authority under Section 153 of the Act, 1983 to entertain an application beyond the period of 90 days, provided there are sufficient reasons for condonation of delay.

8.Coming to the facts of the present case, it is seen from the materials on record that the revision petition under Section 153 of the Act, 1983 was filed after a lapse of 7 years, 9 months and 25 days as



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against the 90 days' time prescribed under the proviso to Section 153 of the Act, 1983. Though there appears to have been some reason assigned for withdrawing the first revision petition filed by the petitioner, absolutely no reasons have been assigned by the petitioner for filing the second revision petition after such a prolonged delay. Had there been any explanation for such delay, it would have been possible for this Court to find fault with the first respondent in passing the impugned order on the ground of lack of jurisdiction.

9. Taking into consideration the fact that there is an abnormal delay of more than seven years in filing the revision petition, particularly in the context that the earlier revision petition was voluntarily withdrawn by the petitioner himself, coupled with the absence of any reasons assigned for the said delay in the subsequent revision petition, this Court does not find it appropriate to entertain the present Writ Petition while exercising jurisdiction under Article 226 of the Constitution of India. In the circumstances, this Court is of the considered view that this is not a fit case where the extraordinary jurisdiction and discretion of this Court under Article 226 of the Constitution of India can be exercised.



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10. Accordingly, this Writ Petition is dismissed. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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MUMMINENI SUDHEER KUMAR, J.

ps

Order made in
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