

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2015

CORAM:

THE HON'BLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.10180 of 2015

and

M.P.No.1 of 2015

Dakshinamoorthy

...

Petitioner

Vs.

1.The President,
Kallakurichi Co-Op Marketing
Society E-2595.,
Kallakurichi,
Villupuram District.

2.The Co-Operative Sub-Registrar/
Managing Director,
Kallakurichi Co-Op Marketing Society,
Kallakurichi,
Villupuram District.

3.Domestic Enquiry Officer,
kallakurichi Co-Op Marketing Society,
Kallakurichi,
Villupuram District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent in the impugned show cause notice dated 25.03.2015 and quash the same, consequently direct the first respondent to hold the enquiry by furnishing documents and provide fair and reasonable opportunity to the petitioner.

For Petitioner : Mr.S.Sairaman

For Respondents : Mr.L.P.Shanmuga Sundaram,
Spl. G.P.

O R D E R

The petitioner is an employee in the first respondent Society, namely, Kallakurichi Co-Operative Marketing Society. Disciplinary proceedings was pending against him and on conclusion of the disciplinary proceedings, the impugned show cause notice dated

25.03.2015 has been issued by the first respondent, based on the findings of the enquiry officer, directing him to reply within a period of one week. Now, the petitioner has sought to question the aforesaid show cause notice.

2. It is well settled that the writ petition is not maintainable against Co-op. Society in the light of the larger bench judgment of this Court in the case of K.MARAPPAN VS. DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETY, NAMAKKAL reported in 2006 (4) CTC 689.

3. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. However, the dismissal of the writ petition does not preclude the petitioner from approaching the revisional authorities, under Section 153 of The Co-Operative Societies Act.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr/dn

To

1.The President,
Kallakurichi Co-Op Marketing
Society E-2595.,
Kallakurichi,
Villupuram District.

2.The Co-Operative Sub-Registrar/
Managing Director,
Kallakurichi Co-Op Marketing Society,
Kallakurichi,
Villupuram District.

3.Domestic Enquiry Officer,
kallakurichi Co-Op Marketing Society,
Kallakurichi,
Villupuram District.

+ 1 cc to Mr.S.Sairaman, Advocate SR.20032
+ 1 cc Government Pleader Sr.19665

CTK(CO)
EU 08.05.2015

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and
MP. No. 1/2015