

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14073 of 2016

N.R.Manickam

... Petitioner

.Vs.

1.The Deputy Registrar (Dairy),
O/O.Deputy Registrar of Co-operative Societies,
242, Sastri Nagar,
Erode-638 002.

2.Erode Milk Consumer Co-operative Society AA388
rep.by its President,
EVN Road,
Erode-638 009. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representations dated 20.10.2014 and 23.01.2016 for revocation of the suspension order dated 19.08.2014 and the charge memo dated 13.01.2016 issued by the 2nd respondent.

For petitioner : Mr.N.Manokaran

For Respondents : Mr.R.Balaramesh,
Additional Government Pleader

ORDER

Mr.N.R.Manickam, having suffered an order of suspension dated 19.08.2014 on certain allegations, has made a representation dated 03.09.2014, followed by a reminder dated 29.09.2014, requesting the 2nd respondent to furnish the incriminating materials for placing the petitioner under suspension. Finding no response, another representation dated 20.10.2014 was submitted to the 1st respondent / Deputy Registrar of Co-operative Societies, requesting to revoke the order of suspension. Again finding no response, one another representation dated 10.10.2015 has also been made. Again finding no response, the petitioner has come forward to this

Court, seeking for a direction to the 1st respondent to consider the petitioner's representations dated 20.10.2014 and 13.01.2016 for revocation of the suspension order dated 19.08.2014 and the charge memo dated 13.01.2016 issued by the 2nd respondent.

2.Taking notice, the learned Additional Government Pleader raised an objection that if any order is passed by the President of the Co-operative Societies, that can be questioned for modification or cancellation only under Section 153 of the Tamil Nadu Co-operative Societies Act before the functional Registrar of the Co-operative Societies. Since the Commissioner of Aavin is the functional Registrar, who has not been impleaded as one of the necessary parties, no direction can be given to the Deputy Registrar (Dairy), who is not the competent authority, to entertain the petitioner's representation to revoke the order of suspension dated 19.08.2014.

3.In reply, the learned counsel appearing for the petitioner would submit that this is not a case where Section 153 of the Act was invoked, since the President of the Society cannot be treated as a Subordinate Officer to the Deputy Registrar. In the case on hand, the petitioner has rightly approached the Deputy Registrar of the Society, who is the superior. Therefore, he is the Competent Officer to consider the order of suspension passed by him on 19.08.2014, he preaded.

4.This Court finds no merits on the abovesaid submission. At the outset, it is to be stated that when the Deputy Registrar is not the Competent Authority for review of any order passed by the Erode Milk Consumer Co-operative Society, the petitioner has only to approach the functional Registrar of Co-operative Societies, who is the Commissioner of Aavin, Chennai, without resorting to such remedy, he ought not to have filed the present Writ Petition. Therefore, this Court is not inclined to issue any directions in this case. Hence, liberty is given to the petitioner to approach the Commissioner of Aavin, Chennai.

Accordingly, for the abovesaid reason, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mps

To

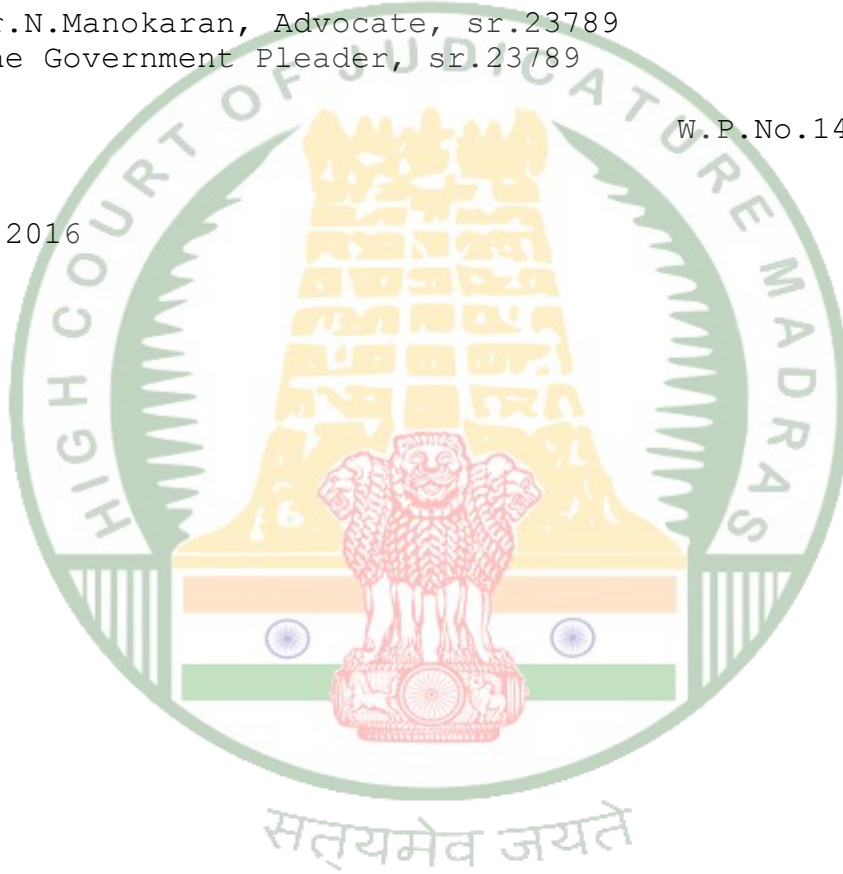
1.The Deputy Registrar (Dairy),
O/O.Deputy Registrar of Co-operative Societies,
242, Sastri Nagar,
Erode-638 002.

2.Erode Milk Consumer Co-operative Society AA388
rep.by its President,
EVN Road,
Erode-638 009.

1 cc to Mr.N.Manokaran, Advocate, sr.23789
1 cc to The Government Pleader, sr.23789

W.P.No.14073 of 2016

gj ii co
kra 18.05.2016



WEB COPY