

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.10.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.33685 of 2016
and

W.M.P.No.29066 of 2016

P.Mohan

... Petitioner

Vs.

1. Joint Registrar of Co-operative Societies,
Kancheepuram District,
Kancheepuram.
 2. The President,
G.1682, Maduramangalam,
Primary Agricultural Co-operative Society Limited,
Maduramangalam Village and Post,
Pannur (via)- 602 108,
Sriperumbudur Taluk,
Kancheepuram District
- Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order dated 08.09.2016 passed by the second respondent and quash the same and consequently direct the respondents to reinstate the petitioner into service with continuity of service and pay all other attendant benefits.

For Petitioner

: Mr.B.Hari Babu

For Respondents

: Mr.L.P.Shanmughasundaram
Spl. G.P. (Co-op),
for R1 & R2

O R D E R

With the consent on both sides, the writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Certiorarified Mandamus to call for the records in connection with the impugned order dated 08.09.2016 passed by the second respondent and quash the same and consequently direct the respondents to reinstate the petitioner into service with continuity of service and pay all other attendant benefits.

3. It is the case of the petitioner that the petitioner was working as a Secretary in the second respondent society. The second respondent is managed by the Board of Directors containing 10 members including the president. The Government declared Flood Relief Fund to the agriculturists whose crops were affected by the flood during the year 2015. While so, except the president of the second respondent society, other directors wanted to include certain members for the flood relief, whose crops were not actually affected by the flood. Majority of the directors were disappointed because of non-inclusion of the members recommended by them to get relief from out of the flood relief fund. Since some of the relatives of the directors of the second respondent, who were not eligible for the flood relief, on 05.02.2016, attempted to assault the petitioner and prevented him from performing his duties. Hence, he made a complaint to the Deputy Registrar on 08.02.2016. An enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, was again ordered by the Deputy Registrar, Kancheepuram and the same is pending. The president of the respondent society could not meet out the disturbances given to him by the other directors tried to save his post by hook or crook. Hence, the petitioner addressed a letter to the Deputy Registrar, Kancheepuram to proceed the enquiry. While the facts and circumstances are such, the respondent joined together with the rival directors and suspended the petitioner on 08.09.2016 by an order dated 08.09.2016. Hence, the petitioner has come forward with the present writ petition.

4. When the matter was taken up for consideration, learned counsel for the respondents submitted that the petitioner has alternative remedy of Revision under Section 153 of Co-Operative Societies Act, 1983 before the first respondent.

5. In view of the submission of the learned Special Government Pleader, this Court directs the petitioner to file a Revision under Section 153 of the Co-operative Societies Act,

1983 before the first respondent within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass appropriate order on merits and in accordance with law within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp

To

1. Joint Registrar of Co-operative Societies,
Kancheepuram District,
Kancheepuram.
2. The President,
G.1682, Maduramangalam,
Primary Agricultural Co-operative Society Limited,
Maduramangalam Village and Post,
Pannur (via)- 602 108,
Sriperumbudur Taluk,
Kancheepuram District

+1 cc to Mr.B.Hari Babu Advocate sr 60747
+1 cc to Government Pleader sr 61722

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