

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8713 of 2017
and W.M.P.Nos.12979, 9549 and 9550 of 2017

Vaithiyanathasamy

... Petitioner

Vs

1. The President,
E-2584, Primary Agri Co-op Bank,
Thillaividangan Post,
Chidambaram Taluk,
Cuddalore District.
2. The Joint Registrar,
Co-Operative Societies,
Circle Deputy Registrar Office,
Periyar Street, Chidambaram.
3. The Registrar,
Co-Operative Societies,
Chennai-600 010.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for records in the order of the first respondent dated 31.03.2017 and quash the same consequently directing the first respondent to reinstate the petitioner to the job.

For Petitioner : Mr.R.Sudhakar

For Respondents : Mr.M.S.Palanisamy
For R1.
Mr.L.P.Shanmugasundaram
Special Government Pleader
For RR2 and 3

O R D E R

The challenge in this writ petition is to the order passed by the first respondent on 31.03.2017, placing the writ petitioner under suspension.

2. The learned counsel appearing for the petitioner contended that the order of suspension was issued without jurisdiction and the first respondent has placed the writ petitioner under suspension.

3. The learned counsel appearing for the respondents contended that the writ petition itself is not maintainable since the order impugned in this writ petition was issued by the President of Primary Agricultural Co-operative Society, which is not a state within the meaning of Article 12 of the Constitution of India. In support of the contention, the judgment of the Larger Bench of this Hon'ble Court reported in K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal-636 001 and another [2006 (4) CTC 689].

4. Accordingly, the writ petition against the Co-operative Society is not maintainable under Article 226 of Constitution of India and further alternative remedy is also provided under Section 153 of the Tamil Nadu Co-operative Societies Act. The petitioner is at liberty to approach the Competent Authorities under the Act.

5. In view of this, the Writ Petition is dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

kmi

To

1. The President,
E-2584, Primary Agri Co-op Bank,
Thillaividangan Post,
Chidambaram Taluk,
Cuddalore District.

2. The Joint Registrar,
Co-Operative Societies,
Circle Deputy Registrar Office,
Periyar Street, Chidambaram.

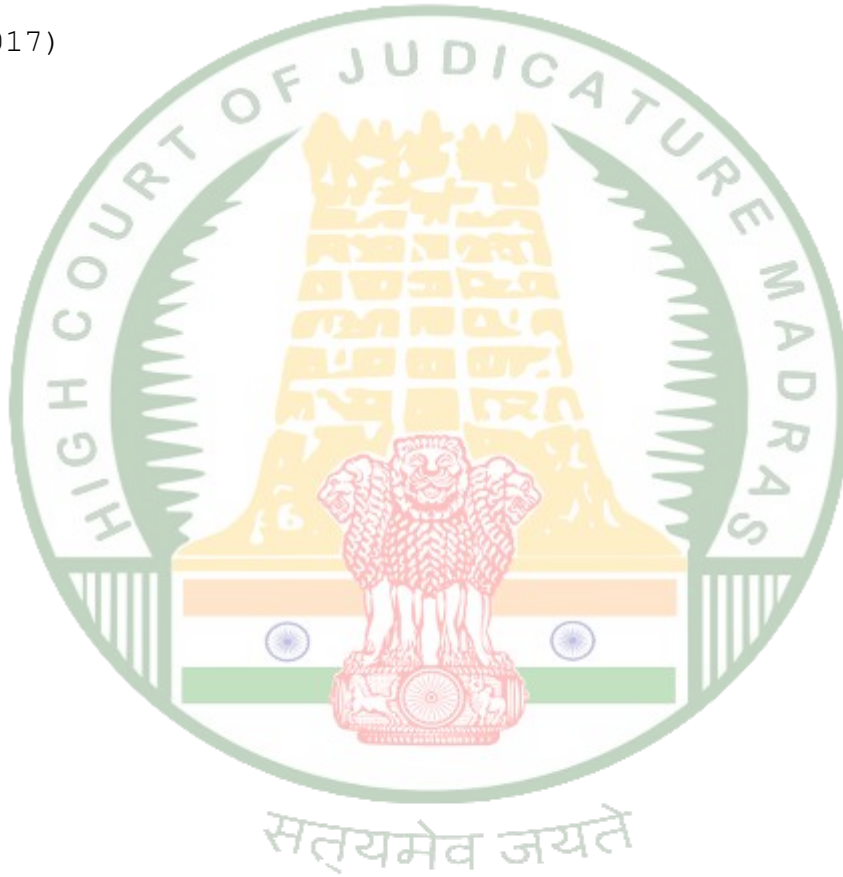
3. The Registrar,
Co-Operative Societies,
Chennai-600 010.

+1cc to Mr.r.Sudhakar, Advocate Sr. 37324

+1cc to Mr.M.s.Palanisamy, Advocate Sr. 37290

W.P.No.8713 of 2017

GJ (CO)
VR(16/5/2017)



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