

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12838 of 2016

and

WMP Nos.11226 and 30860 of 2016

A.Sudandaranathan

... Petitioner

Vs.

1. The Management,
Gobichettipalayam
Agri. Producers Co-operative Society Ltd.,
Mudichur Road,
Gobichettipalayam.

2. Joint Registrar of Co-operative Societies,
Soorampattinal Road,
Erode.

... Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pass order in the petitioner's disciplinary proceedings of the first respondent's proceedings No.143/2014/A1 dated 23.4.2014.

For Petitioner : Mr.M.Liagat Ali

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader
(Co-op.)

O R D E R

The relief sought for in this writ petition is for a direction to the first respondent to pass orders on the disciplinary proceedings initiated against the writ petitioner by the first respondent in proceedings dated 23.4.2014.

2. Admittedly, the writ petitioner is working as Branch Manager in the first respondent-Co-operative Society which is registered under the provisions of Tamil Nadu Co-operative Societies Act.

3. In view of the legal principles settled by the larger Bench of this Court, in the case of K.Marappan vs. Deputy Registrar of Co-Operative Societies, Namakkal Circle,

Namakkal [(2006) 4 CTC 689 (FB)], held that no writ can be entertained against the Co-operative Societies, in view of the fact that the Co-operative Society is not an instrumentality of the State within the meaning of Article 12 of the Constitution of India. The remedy lies on to the writ petitioner under the provisions of the Co-operative Societies Act, more specifically, a revision under Section 153 of the Act, is available for the writ petitioner to redress his grievances raised in this writ petition.

4. In this view of the matter, no further adjudication is necessary in this writ petition and accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

The Joint Registrar of Co-operative Societies,
Soorampattinal Road,
Erode.

+lcc to Mr.M.Liagat Ali, Advocate, S.R.No.57670
+lcc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.57380
+lcc to the Government Pleader, S.R.No.57942

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CS IV
CA(23/08/2017)

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