

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2017

CORAM

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

W.P.No.20780 of 2017 and WMP.No.21620 of 2017

S.Santhanaraman

... Petitioner

Vs.

1.The Registrar of CO-op. Societies,
No.170, E.V.R.Periyar High Road,
Kilpauk, Chennai 600 010.

2.The Additional Registrar of Co-op. Societies (MPD),
N.V.N.Natarajan Maligai,
No.170, E.V.R.Periyar High Road,
Kilpauk, Chennai 600 010.

3.T-1344, Neetamangalam Primary Agricultural
Co-Operative Credit Society Limited,
Rep.by its President,
Neetamangalam,
Thiruvavarur District-614 404.

4.Anbazagan

...Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order of suspensionn passed by the 3rd respondent dated 29.07.2017 and quash the same as illegal, invalid and non-est in the eyes of the law and consequently, direct the respondents to restore the petitioner to his official position as the Secretary of the Society.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.L.P.Shanmuga Sundaram, Special
Government Pleader (Co-Operative)

ORDER

The order of suspension placing the writ petitioner under suspension vide proceedings dated 29.07.2017, is under challenge in this writ petition. The writ petitioner was holding the post of Secretary of the T-1344, Neetamangalam Primary Agricultural

Co-operative Credit Society Limited. On account of certain irregularities, disciplinary action was initiated against the writ petitioner and the writ petitioner was placed under suspension by the President of the above said Society. The Co-operative Society is an Association registered under the Tamil Nadu Co-Operative Societies Act, 2003. Thus, it is a state within the ambit of Article 12 of the Constitution of India. With regard to the maintainability of the writ petition against the Co-operative Society, the Larger Bench of this Court, stated the legal principles, in the case of K.Marappan Vs. Deputy Registrar of Cooperative societies, Namakkal Circle, Namakkal 636 001 and another reported in 2006 4 CTC 689.

2. Thus, the writ petition is not maintainable in view of the fact that the order passed by the President of the Co-operative Society is under challenge in this writ petition. That apart, there is an remedy available to the writ petitioner to file a revision under Section 153 of the Tamil Nadu Co-operative Societies Act. Accordingly, the revision is to be filed if the writ petitioner is so aggrieved against any order passed by the Co-operative Society. It is being the legal dictum, the present writ petition filed against the Co-operative Society is not maintainable.

3. Accordingly, the writ petition stands dismissed. Registry is directed to return the original copy of the impugned order to the writ petitioner. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sk

+2cc to Mr.R.Thiagarajan, Advocate Sr. No.56014
+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr. No.56356
+2cc to Mr.K.Rajendiran, Advocate Sr. No.57058
+1cc to Government Pleader Sr. No.56450

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GN(10/08/2017)