

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21795 of 2017

G. Pappal

.. Petitioner

Versus

1. The District Collector,
Salem District,
Salem.

2. The Managing Director/Joint Registrar,
Salem District Consumers Co-operative
Wholesale Stores Ltd.,
Salem.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to permit the petitioner to work under the services of the 2nd respondent without any interruption by considering the petitioner's representation dated 01.08.2016 within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Neelakandan

For Respondents: Mr.R.S.Selvam,
Government Advocate for R1

Ms.T.Girija
Government Advocate (Co.op) for R2

ORDER

The relief sought for in this writ petition is to direct the second respondent to consider the representation submitted by the writ petitioner on 01.08.2016 within a time frame fixed by the Court.

2. The learned counsel appearing for the writ petitioner contended that the second respondent has not considered the claim of the writ petitioner with regard to allowing the petitioner to continue in service. However, the second

respondent is a Co-operative Society and is not a state within the meaning of Article 12 of the Constitution of India. The remedy to the Writ petitioner lies under the provisions of Tamil Nadu Co-operative Societies Act, more so, under Section 153 of the said Act. The legal principles in this regard was settled by the larger bench of this Honourable High Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689. Accordingly, no Writ will lie against the Co-operative Society and the remedy provided under the provisions of the Tamil Nadu Co-operative Societies Act is to be exhausted by the aggrieved persons, before approaching this Court under Article 226 of the Constitution of India.

3. In this view of the matter, no further adjudication is required to be undertaken in this regard. Accordingly, this Writ petition stands dismissed. However, no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. District Collector,
Salem District,
Salem.

2. The Managing Director/Joint Registrar,
Salem District Consumers Co-operative
Wholesale Stores Ltd.,
Salem.

+ 1 ccs to the Government Pleader Sr.59996, 59324

+ 1 cc to M/s. R. Neelakandan, Advocate Sr.59031

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PPA(CO)

Eu 15.09.17