

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. No. 22576 of 2017
and W.M.P. No.23698 of 2017

K. Alagarsamy.

..Petitioner

Vs.

1. The Registrar of Co-op Societies,
No.170, E.V.R. Periyar High Road,
Kilpauk, Chennai-600 010.
2. No.DD-116 Dindigul Co-operative
Primary Agricultural & Rural Development Bank Ltd.,
rep.by its Managing Director,
58, New Agraharam, Dindigul.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus or any other order or direction in the nature of a Writ, calling for entire records relating to the impugned order passed by the 2nd respondent in his proceedings dated 28.09.2010 and quash the same and consequently direct the 1st respondent to instruct the 2nd respondent to refund the recovered terminal benefits of Rs.1,40,164/- along with interest calculated at 9% for the belated payment of the terminal benefits till its payment.

For Petitioner : Mr. R. Krishnamoorthy.
For Respondents : Mr.L. P. Shanmugasundaram,
Spl.Government Pleader (Co-op).

O R D E R

The impugned order of recovery, issued in proceedings dated 28.09.2010, was admittedly issued by the Special Officer of the Co-operative Society and the Co-operative Society, is not a State, within the meaning of Article 12 of the Constitution of India. The remedy for the writ petitioner, lies under the provision of the Tamil Nadu Co-operative Societies Act and any order passed by the Special Officer or the Board of the Co-operative Society can be challenged only by way of revision, under Section 153 of the Tamil Nadu Co-operative Societies Act. The said legal principle has been well settled, by the larger bench of this court in the case of K.Marappan Vs. Deputy Registrar of Co-operative Society, Namakkal Circle, Namakkal - 636 001 and another reported in 2006 4 CTC 689.

2.Thus, no writ petition against the Co-operative Society can be entertained. under Article 226 of the

3. Accordingly, the writ petition stands dismissed. No order as to costs. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

rpl

To

1. The Registrar of Co-op Societies,
No.170, E.V.R. Periyar High Road,
Kilpauk, Chennai-600 010.
 2. The Managing Director,
No.DD-116 Dindigul Co-operative
Primary Agricultural & Rural Development Bank Ltd.,
58,New Agraharam, Dindigul-624 001
- +1cc to Mr.R.Krishnamoorthy, Advocate Sr. 60512
- +1cc to M/S.L.P.Shanmugasundaram, Advocate Sr. 61216
- +1cc to the Government Pleader, Sr. 61698

सत्यमेव जयते

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SAI (CO)
VR(15/09/2017)

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