

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

C O R A M

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

W.P.No.13374 of 2017
and WMP.Nos.14402 & 14403 of 2017

M.Vanisujatha

... Petitioner

Versus

1. The Secretary to Government,
Tamil Nadu Government,
Housing and Urban Department,
Fort Saint George -Secretariat,
Chennai - 600 009.
2. The Registrar of Co-operative Societies (Housing),
Tamil Nadu Housing Board Building,
2nd Floor Annex,
Annasalai, Nandhanam,
Chennai - 600 035.
3. The Regional Deputy Registrar of Co-operative,
Societies (Housing),
No.1/3187, Ramalinga Adikalar Educational
Charities Building,
Daniel Thomas Nagar,
Thanjore - 613 007.
4. Mayuram Co-operative Building Society Ltd.,
Rep.by its President,
No.23 Ganapathi Nagar,
Mayiladuthurai, Nagapattinam District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus, directing respondents 1 to 3 to pass necessary orders for absorption of petitioner as Junior Clerk/Typist in any other financially healthy Co-Operative Society in the Nagapattinam District, in the event of winding up of 4th respondent society.

For Petitioner ... Mr.S.Sounthar

For Respondents ... Mr.K.Dhanajeyam

Special Government Pleader for R1

Mr.L.P.Shanmugasundaram
Spl.Govt.Pleader for R2 to R4

ORDER

This writ petition is filed for issuance of writ of mandamus, directing respondents 1 to 3 to pass necessary orders for absorption of petitioner as Junior Clerk/Typist in any other financially healthy Co-Operative Society in the Nagapattinam District, in the event of winding up of 4th respondent society.

2. Admittedly, the writ petitioner is working as an employee in Mayuram Co-operative Building Society Ltd., The fourth respondent Co-operative Building Society is not a 'state' as defined in Article 12 of the Constitution of India and further the transfer of an employee from one Co-operative Society to another Co-operative Society relates to service conditions of the particular Co-operative society and if any grievance arises from and out of the rules, it is for the employee of the Co-operative Society to approach the competent authority under the provisions of the Tamil Nadu Cooperative Societies Act 1983 and the writ petition cannot be entertained in the regard.

3. Legal principles also has been framed by the larger bench of this Court in the case of Marappan and ors. Vs. The Deputy Registrar of Co-operative Societies reported in 2006 (4) CTC 689, held that no writ will lie against a Co-operative Society. In that view of the matter, this Court is not inclined to consider the grounds raised in the writ petition and accordingly this writ petition stands dismissed as not maintainable. No costs. Connected miscellaneous petition are also dismissed.

s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

dpq
To

1. The Secretary to Government,
Tamil Nadu Government,
Housing and Urban Department,
Fort Saint George -Secretariat,
Chennai - 600 009.

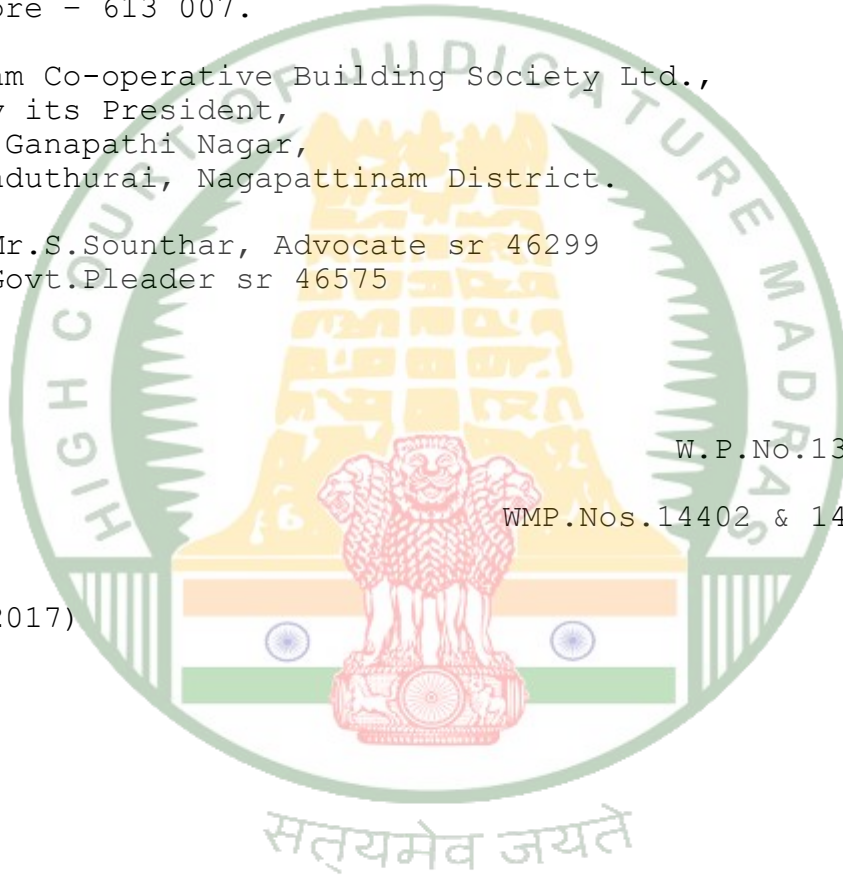
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2. The Registrar of Co-operative Societies (Housing),
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2nd Floor Annex,
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Chennai - 600 035.
3. The Regional Deputy Registrar of Co-operative,
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4. Mayuram Co-operative Building Society Ltd.,
Rep.by its President,
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Mayiladuthurai, Nagapattinam District.

+1 CC to Mr.S.Sounthar, Advocate sr 46299
+1 CC to Govt.Pleader sr 46575

W.P.No.13374 of 2017
and
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SKS (CO)
sp (24/07/2017)



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