

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.1899 of 2015

T.Malligeshwaran

... Petitioner

Vs.

1. The Joint Registrar,
Tamil Nadu Co-operative Societies,
Dharmapuri Region,
Office at Dharmapuri Collectorate,
Dharmapuri.

2. The President,
DD92, Chickampatti Primary Agricultural,
Co-operative Credit Society,
V.Muttapatti Post,
Bommudi-Via-
Dharmapuri District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to pay the retirement benefits, provident fund amount and double the LIC maturity amount etc to the petitioner on part with the other 2nd respondent bank employees, as per the provisions of Section 78 of Tamil Nadu Co-operative Societies Act 1983.

For Petitioner : Mr.T.Sundaravadanam
for Mr.MA.P.Thangavel

For Respondents : Mr.L.P.Shanmugasundaram (For R1)
Special Government Pleader (Co-op)

Mrs.T.P.Savitha (For R2)

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to pay the retirement benefits to the writ petitioner.

2. The writ petitioner was working in the second respondent co-operative society, which is not a State within the meaning of Article 12 of the Constitution of India. Thus, the writ against a Co-operative Society cannot be entertained under Article 226 of the Constitution of India, in view of the Legal Principles laid down by the Larger bench of this Court in K.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. it is for the writ petitioner to work out his remedy under the provisions of Tamilnadu Co-operative Societies Act, 1983. In view of the precedent stated supra, this Court is not inclined to consider the grounds raised in this writ petition.

3. Accordingly, this writ petition shall stand dismissed as not maintainable. However, no order as to costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Joint Registrar,
Tamil Nadu Co-operative Societies,
Dharmapuri Region,
Office at Dharmapuri Collectorate,
Dharmapuri.
2. The President,
DD92, Chickampatti Primary Agricultural,
Co-operative Credit Society,
V.Muttapatti Post,
Bommudi-Via-
Dharmapuri District.

+1cc to M/S.T.Sundaravadanam, Advocate Sr. 58310
+1cc to M/S.T.P.Savitha, Advocate Sr. 58056

W.P. No.1899 of 2015

RR(CO)
VR(05/09/2017)