

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :12.09.2017
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.24385 of 2017

S.Ramanathan

..Petitioner

Vs

1.The Registrar of Co-Operative Society (Housing)
No.493, Anna Salai,
Tamil Nadu Housing Board Building,
Nandanam,
Chennai - 35.

2.The President,
Bharathi Co-Operative Building Society,
No.87 A, P.H.Road,
Perambur,
Chennai -11.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to pay the entire outstanding amount of Rs.4,79,145.70/- as per the written representation dated 10.08.2017 within a stipulated period.

For Petitioner : Mr.V.Kayalvizhi

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operative Societies)

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition is for a direction to the second respondent to pay entire outstanding amount of Rs.4,79,145.70/- as per the written representation dated 10.08.2017 within a stipulated period.

2. Admittedly, the direction sought for in this writ petition is against the second respondent which is a Co-operative Society, registered under the Tamil Nadu Co-Operative Societies Act, 1983. A Co-operative Society is not a "State" within the meaning of Article 12 of the Constitution of India.

3. Thus, no writ will lie against the Co-operative Societies, in view of the legal principles laid down by a larger Bench of this Court in the case of K.Marappan Vs. Deputy Registrar of Co-operative societies, reported in 2006 (4) CTC 689. It is left open to the writ petitioner to redress his grievances by way of filing appropriate petition under the provisions of the Tamil Nadu Co-Operative Societies Act, before the competent authorities. In this view of the matter, no further adjudication on merits needs to be undertaken in this writ petition.

4. Accordingly, the writ petition stands dismissed as not maintainable. However, no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Registrar of Co-Operative Society (Housing)
No.493, Anna Salai,
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Nandanam,
Chennai - 35.

2.The President,
Bharathi Co-Operative Building Society,
No.87 A, P.H.Road,
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+1 cc to Mr.L.P.shanmugasundaram Advocate sr 67176

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aa09/10/2017