

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14487 of 2017
and
W.M.P.No.15717 of 2017

P.Sagadevan

... Petitioner

Versus

1. The Deputy Registrar of Co-operative Societies, Dharmapuri Circle, Dharmapuri.

2. K.K.25, Mothur Primary Agricultural Co-operative Society, Rep. by its President, Mothur Village and Post, Dharmapuri District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of MANDAMUS, forbear the respondents from proceeding with enquiry against the petitioner pursuant to the charge memo dated nil issued by the 2nd respondent without furnishing the copies of the documents and seeking payment of subsistence allowance requested by the petitioner dated 01.08.2016 and 16.08.2016.

For Petitioner : Mr.V.Ravichandran

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

Heard Mr.V.Ravichandran, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage.

2.The charge memo issued to the writ petitioner is under challenge in this Writ Petition and admittedly the charge memo

was issued by the President, Mothur Primary Agricultural Co-operative Society.

3.The above said Co-operative Society which was registered under the Tamil Nadu Co-operative Society Act, 1983, is not a State within the meaning of Article 12 of the Constitution of India.

4.The legal principle in this regard, regarding the maintainability of the writ petition is well settled by the Larger Bench decision of this Court in Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689.

5.In view of the settled legal principles, no writ can be entertained against the order passed by the Co-operative Societies. Further, the remedy lies under the provisions of the Tamil Nadu Co-operative Societies Act itself.

5.Thus, the Writ Petition deserves no consideration and accordingly, the Writ Petition stands dismissed, as not maintainable. However, no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ah/cgi

To

1. The Deputy Registrar of Co-operative Societies, Dharmapuri Circle, Dharmapuri.

2. The President,
K.K.25, Mothur Primary Agricultural Co-operative Society,
Mothur Village and Post,
Dharmapuri District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.48558

+1cc to the Government Pleader, S.R.No.48799

W.P.No.14487 of 2017 and

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PA(CO)

CA(31/07/2017)