

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2017

CORAM

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

W.P.No.1785 of 2016
and WMP.No.1577 of 2016

A.Ravichandran

.. Petitioner

Vs

The Managing Director/Cooperative Sub Registrar,
E.1429, Villupuram Agricultural Producers,
Cooperative Marketing Society Limited,
No.10-A, Jayaram Layout,
Maharajapuram,
Villupuram & District.
...Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings No. Nill dated 02.01.2016 and quash the same consequently direct the respondent to reinstate the petitioner into service as Secretary Incharge of the respondent society with all attendant benefits, backwages and other monetary benefits.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.L.P.shanmugasundaram
Special Government Pleader (Co-op)

ORDER

The order of respondent dated 02.01.2016 is under challenge in this writ petition.

2.The order dated 02.01.2016 was issued by the Managing Director of the Co-operative Society.

3.The Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India. Accordingly, no writ will lie against the actions initiated by

the Co-Operative Society. The said legal principle has already been decided by the Larger Bench of this Court in the case of Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689. Thus, it is left open to the writ petitioner to approach the competent authorities under section 153 of the Tamil Nadu Co-Operative Societies Act, to redress his grievances. In view of the fact that a mechanism is provided under the Tamil Nadu Co-operative Societies Act to redress the grievances of their employees and in view of the Larger Bench decision of this Court, no writ can be issued by exercising the power under Article 226 of the Constitution of India. Thus, this Court is not inclined to consider the issues raised in the Writ Petition.

4. Accordingly, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected Miscellaneous Petition stands closed.

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

sji/rpa

To

The Managing Director/Cooperative Sub Registrar,
E.1429, Villupuram Agricultural Producers,
Cooperative Marketing Society Limited,
No.10-A, Jayaram Layout,
Maharajapuram,
Villupuram & District.

+1 CC Mr.GOV.T. PLEADER Advocate SR.No.70807
+1 CC Mr.C.PRAKASAM Advocate SR.No.70340
+1 CC Mr.C.P.SHANMUGASUNDRAM Advocate SR.No.70197

GMR (CO)
EGR 26/10/2017

W.P.No.1785 of 2016
and WMP.No.1577 of 2016