

In the High Court of Judicature at Madras

Dated : 29.06.2017

Coram :

The Honourable Mr. Justice S.M.SUBRAMANIAM

W.P. No.40153 of 2002
and
W.M.P.No.2158 of 2003

S.Gangadaran

...Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Tiruvannamalai District.

2. The Arni Co-operative Town Bank Ltd.
Rep. by its Special Officer,
No.4712, Arni,
Tiruvannamalai District - 632 301.

...Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of writ calling for the records of the respondents particularly that of the 2nd respondent dated 30.09.2002 and quash the same as illegal and unlawful, without jurisdiction and against principles of natural justice and consequently direct the respondents to revert the petitioner back as Secretary in the Arni Co-operative Town Bank Ltd. No.4712, Arni, Tiruvannamalai District - 632 301.

For Petitioner : No appearance

For Respondent (R1) : Ms.T.Girija,
Government Advocate

For Respondent (R2) : Mr.M.S.Palaniswamy

ORDER

The order of the second respondent, namely, the Arni Co-operative Town Bank Ltd., dated 30.09.2002 is under challenge in this writ petition.

2. On a perusal of the impugned order, the appointment of the Secretary in the second respondent Co-operative Bank is under question. The second respondent is a Co-operative Bank and the order, which is under challenge in this writ petition, was also issued by the second respondent, which is a Co-operative Bank. The second respondent Co-operative Bank is not a State within the meaning of Article 12 of the Constitution of India and no writ will lie against the second respondent. The larger Bench of this Hon'ble Court laid down the legal principles in the case of Marappan Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689 holding that no writ will lie against any Co-operative Societies which is not a State.

3. In view of the settled legal principles, the present writ petition is not maintainable. This apart, the writ petitioner has got a remedy under the provisions of the Tamil Nadu Co-operatives Act, and after exhausting the remedies provided under the Act, he can approach this Court under Article 226 of Constitution of India. Such being the legal position settled by this Court, the present writ petition stands dismissed as not maintainable. However, no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

sli/jer

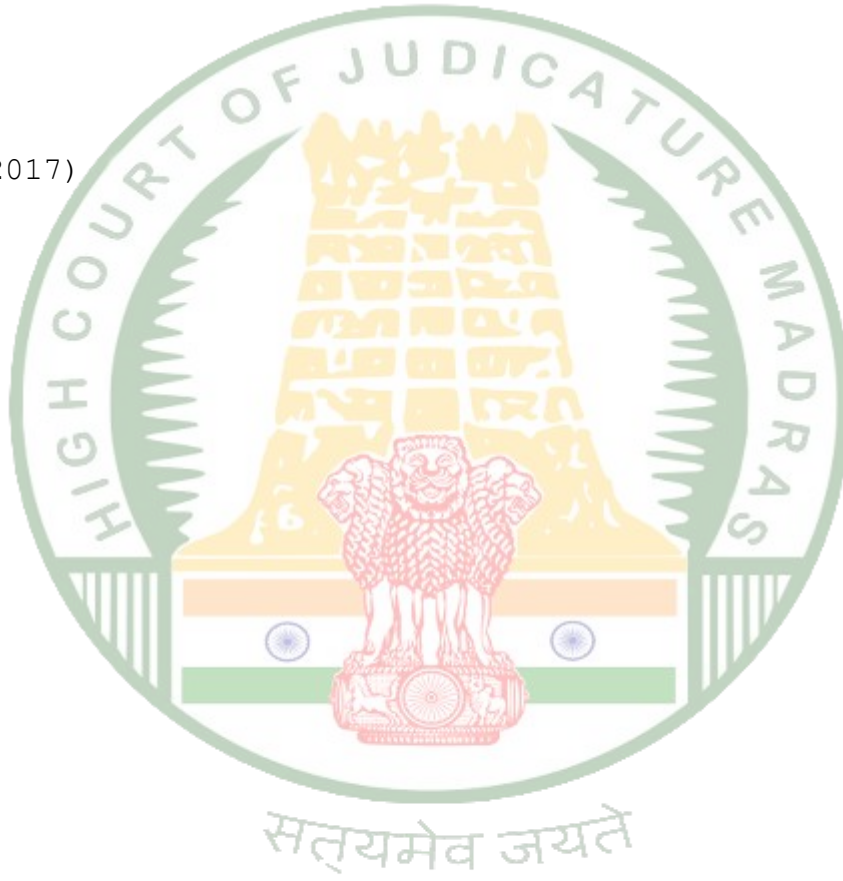
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To

1. The Joint Registrar of Co-operative Societies,
Tiruvannamalai District.

W.P. No.40153 of 2002
and
W.M.P.No.2158 of 2003

AR(CS IV)
CU(12/07/2017)



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