

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 8516 of 2006

K. Kumar

... Petitioner

Vs.

The Joint Registrar of Co-operative
Societies, Erode Zone,
Karungalpalayam,
Erode.

... Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in Na.Ka.810/2004/A.4 dated 05.10.2005 and quash the same as illegal, unlawful, without jurisdiction and tainted with malafides and consequently forbear the respondent from in any manner disturbing the petitioner from executing his functions as member of K-445, Kothamangalam Primary Agricultural Co-operative Bank, Kothamangalam Post, Sathy Taluk, Erode District.

For Petitioner : Mr.T.S.Rajamohan

For Respondent : Ms.T.Girija, Government Advocate

O R D E R

The petitioner has filed this writ petition seeking to quash the proceedings of the respondent in Na.Ka.810/2004/A.4 dated 05.10.2005 and consequently forbear the respondent from in any manner disturbing him from executing his functions as a member of K-445, Kothamangalam Primary Agricultural Co-operative Bank, Kothamangalam Post, Sathy Taluk, Erode District.

2. The learned counsel for the petitioner submitted that the petitioner was an elected President of K-445, Kothamangalam Primary Agricultural Co-operative Bank for the period 1996 to 2001. The Circle Deputy Registrar of Co-operative Societies, Gobichettipalayam ordered for inquiry under Section 81 of the Tamil Nadu Cooperative Societies, Act 1983, towards the alleged loss of Rs.49,27,245/- caused by the petitioner. Based on the inquiry report, the respondent passed

the impugned order, permanently disqualifying the petitioner from holding office. Challenging the same, the petitioner has filed this writ petition before this Court.

3. Learned Government Advocate would submit that if the petitioner is aggrieved by the order passed by the respondent, he should have filed an appeal before the Government of Tamilnadu, as per Section 152 (2)(v) of the Tamil Nadu Cooperative Societies Act, 1983. However, without exhausting the efficacious alternative remedy, the petitioner has come before this Court. Hence, this writ petition is not maintainable.

4. Heard the learned counsel for the petitioner, the learned Government Advocate for the respondent and perused the material available on record.

5. In view of the submission made by the learned Government Advocate, since there is an alternative remedy available under Section 152(2)(v) of the Tamil Nadu Co-operative Societies Act, to challenge the impugned order.

6. Therefore, the Writ Petition is dismissed as not maintainable. However, liberty is granted to the petitioner to file an appeal before the concerned authority, if so advised, within a period of two weeks from the date of receipt of a copy of this Order. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

avr
To

The Joint Registrar of Co-operative
Societies, Erode Zone,
Karungalpalayam,
Erode.

+lcc to the Government Pleader, Sr. 50628, 50666
+lcc to Mr.T.S.Rajamohan, Advocate Sr. 50235

W.P. No. 8516 of 2006

SSI (CO)
VR(30/8/2017)