

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-09-2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No.39083 of 2015

And

M.P.No.1 of 2015

N.Nallappan

.... Petitioner

Vs.

The President,
Primary Agricultural Co-operative Credit
Societies,
Irupaiyur, TYSPL 88,
Poiyathanallur Post-621 718,
Ariyalur Division and District.

.... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed in proceedings dated 28.8.2015 by the respondent and to quash the same and further to direct the respondent to return the service benefits and arrears of salary withheld at the time of suspension to the petitioner.

For Petitioner : Mr.M.Jaikumar
For Respondent : Mr.L.P.Shanmugasundaram,
Special Government Pleader
(Co-op.).

सत्यमेव जयते
O R D E R

The order of suspension issued by the respondent is under challenge in this writ petition.

2. On perusal of the order of suspension impugned in this writ petition, the same was issued by the President of the Primary Agricultural Co-operative Credit Societies, Irupaiyur. Thus, the order impugned is an order passed by the management of the Co-operative Society, which is not a State, within the meaning under Article 12 of the Constitution of India.

3. The legal principles in this regard was settled by a larger Bench of this Court in the case of K.Marappan vs. Deputy

Registrar of Co-Operative Societies, Namakkal Circle, Namakkal [(2006) 4 CTC 689 (FB)]. Accordingly, that no writ can be entertained against the order passed by the management of the Co-operative Society and the remedy lies to the writ petitioner is to approach the competent authorities under the provisions of the Tamil Nadu Co-operative Societies Act and it is left open to the writ petitioner to exhaust the remedies available under the Act and thereafter move this Court under Article 226 of the Constitution of India.

4. In this view of the matter, the grounds raised in this writ petition, cannot be adjudicated on merits. Accordingly, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

Svn

To

The President,
Primary Agricultural Co-operative Credit
Societies,
Irupaiyur, TYSPL 88,
Poiyathanallur Post-621 718,
Ariyalur Division and District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR. 66151
+1cc to the Government Pleader SR. 66441

W.P.No.39083 of 2015

SV(CO)
VR(12/10/2017)