

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2017

CORAM

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

W.P.No.39126 of 2015

G.Sivakumaran Nair

... Petitioner

Vs

- 1.The Commissioner,
Civil Supplies and Consumer
Protection Department,
Ezhilagam, IVth Floor, Chepauk,
Chennai - 600 005.
- 2.The Deputy Commissioner(North),
Civil Supplies and Consumer
Protection Department,
Ezhilagam(Annexe), IVth Floor, Chepauk,
Chennai - 600 005.
- 3.The Managing Director,
Park Town Co-Operative Wholesale
Stores Ltd., (CHINTHAMANI),
G133, First Main Road,
Anna Nagar East,
Chennai - 600 102.
- 4.The Regional Provident Fund Commissioner,
TNHB Shopping cum Office Complex,
Mogappair,
Chennai - 600 037.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 3rd and 4th respondents herein to consider the representation dated 12.2.2015.

For Petitioner :G.Mohanakrishnan

For Respondents:Mr.L.P.Shanmugasundaram

Special Government Pleader
(Co-operative Societies), for R1 to R3
No appearance, for R4

O R D E R

The relief sought for in this writ petition is for a direction to the third and fourth respondents to consider the representation submitted by the writ petitioner on 12.2.2015.

2. On a perusal of the representation submitted by the writ petitioner dated 12.2.2015, it is clear that the representation itself was addressed to the Managing Director, Park Town Co-operative Wholesale Stores Ltd., (Chinthamani), Chennai. The third respondent being a Co-operative Society is not a State within the meaning of Under Article 12 of the Constitution of India. The legal principles laid down in this regard was settled by the larger bench of this Honourable High Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689 and it is left open to the writ petitioner to file a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act, before the competent authority in the prescribed format. Such being the remedy available to the writ petitioner, the writ petition at this stage cannot be entertained under Article 226 of the Constitution of India. Thus, no further adjudication is required on the grounds raised in this writ petition.

3. Accordingly, the writ petition stands dismissed as not maintainable. However, no order as to costs.

Sd/-

Assistant Registrar (AR-J)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Civil Supplies and Consumer
Protection Department,
Ezhilagam, IVth Floor, Chepauk,
Chennai - 600 005.
 2. The Deputy Commissioner (North),
Civil Supplies and Consumer
Protection Department,
Ezhilagam (Annexe), IVth Floor, Chepauk,
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 3. The Managing Director,
Park Town Co-Operative Wholesale
Stores Ltd., (CHINTHAMANI),
G133, First Main Road,
Anna Nagar East, Chennai - 600 102.
 4. The Regional Provident Fund Commissioner,
TNHB Shopping cum Office Complex,
Mogappair, Chennai - 600 037.
- + 1 cc to Mr. S. Sanarthanam, Advocate Sr.69361
+ 1 cc to Mr. L.P. Shanmugasundaram, Advocate Sr.70189
+ 1 cc to Government Pleader Sr.70812

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MN (CO)

EU (24/10/2017)

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