

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.39970 of 2015
& MP.No. 2 of 2015

G.Venkatesan

..Petitioner

Vs

1.The Regional Joint Registrar
Collectorate Building
Sathuvachari, Vellore.

2.A 1317 Arakonam Primary Co-operative Agricultural &
Rural Development Bank
Arakonam, rep. by its President. .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents particularly that of the second respondent vide public notice dated 09.12.2015 issued through 'Daily Thanthi', indicating that the petitioner is permanently removed from the service by order dated 23.11.2015 and quash the same as illegal and unlawful, without jurisdiction besides tainted with malafides and consequently direct the respondents to reinstate the petitioner with service benefits.

For Petitioner : Mr.P.Dineshkumar

For Respondents : Mr.L.P.Shanmuga Sundaram
Special Government Pleader

O R D E R

The order passed by the second respondent Co-operative Societies in proceedings dated 09.12.2015, through "Daily Thanthi" indicating that the petitioner is permanently removed from the service, is under challenge in this writ petition.

2. The order impugned was issued by the President of Arakonam Primary Co-operative Agricultural & Rural Development Bank. The second respondent Co-operative Society is a registered

Society under Provisions of the Tamil Nadu Co-operative Societies Act, 1983. Thus, the Co-operative Society being a state under Article 12 of the Constitution of India, no writ can be entertained against the order passed by the Co-operative Societies. The legal principles in this regard, was settled by the Larger Bench of this Court in the K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Nammakkal District reported in 2006(4) CTC 689.

3. The remedy left open to the petitioner is to prefer the revision petition under Section 153 of the Tamil Nadu Co-operative Society Act, and after exhausting the remedy available under the Act, the writ petitioner is at liberty to move a writ petition, challenging all those orders. Admittedly, the writ petitioner has not exhausted the remedy provided under Section 153 of the Tamil Nadu Co-operative Society Act, and filed this writ petition, challenging the order of removal passed by the second respondent Co-operative Societies.

4. In this view of the matter, the grounds raised on merits in this writ petition need not be considered at this point of time. Accordingly, the writ petition stands dismissed as not maintainable. However there will be no order as to costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dna
To

1.The Regional Joint Registrar
Collectorate Building
Sathuvachari, Vellore.

2.The President

A 1317 Arakonam Primary Co-operative Agricultural &
Rural Development Bank
Arakonam,

+1 cc to Mr.M.R.Kuyilan Advocate sr 63741

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 67451

W.P.No.39970 of 2015

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