

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-10-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24897 of 2010

And

MP Nos.2 of 2010 and 1 of 2011

P.Sekar

.. Petitioner

-vs-

1.The Registrar of Co-operative Societies,
Kilpauk,
Chennai-600 010.

2.The Joint Registrar of Co-operative Societies,
Salem Zone,
Salem-7.

3.The Deputy Registrar of Co-operative Societies,
Salem-7.

4.The Special Officer,
Inambyroji Primary Agricultural Co-operative
Credit Society Ltd.,
Salem District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders in Na.Ka.5684/2009 Povidhi 4 dated 7.9.2010 (signed on 14.9.2010) on the files of the second respondent, quash the same and to direct the respondents 2 to 4 herein, to forthwith reinstate the petitioner as Salesman of the fourth respondent Co-operative Credit Society.

For Petitioner

- Mr.S.Umapathy

For Respondents-1to3

- Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op.).

For Respondent-4

- Mr.A.Arumugam

ORDER

The internal communication issued by the Joint Registrar of Co-operative Societies to the Special Officer of the fourth respondent-Co-operative Society in proceedings dated 7.9.2010 is under challenge in this writ petition.

2. On a perusal of the impugned order dated 7.9.2010, it is stated that in relation to the irregularities took place in a Fair Price Shop at Vaniyampadi and Arasampalayam, certain charges were proved against the one Thiru P.sekar and the punishment imposed on the proved charges against him was inadequate and accordingly, the Joint Registrar has issued instructions to the management of a Co-operative Society, to issue the punishment of termination.

3. This Court is of the opinion that under the Tamil Nadu Co-operative Societies Act, 1983, the Registrar is a Competent Authority to control the powers of the Co-operative Society in the State and the Registrar can issue instructions or directions to the management of a Co-operative Society, to rectify the omissions or commissions or to conduct enquiry in the manner known to law.

4. The powers of review of the decision taken by the management of a Co-operative Society, is traced out in the Tamil Nadu Co-operative Societies Act, 1983. Accordingly, there is no irregularity or illegality in issuing the directions to the management of a Co-operative Society by the Registrar of the Co-operative Society.

5. The powers of the Registrar of a Co-operative Society, are delegated to the Subordinate Officials, including the Joint Registrar and Deputy Registrar of Co-operative Societies. Such being the legal position, there is no infirmity in the internal communication dated 7.9.2010, which is under challenge in this writ petition.

6. Section 181 of the Tamil Nadu Co-operative Societies Act, 1983, deals with the powers of the Registrar to give directions in the public interest etc., where the Registrar is satisfied that in the public interest or for the purpose of securing proper implementation of co-operative production and other development programmes approved or undertaken by the Government or to secure the proper management of the business of any registered Societies generally, or for preventing the affairs of any registered Society being conducted in manner detrimental to the interests of the members, or of the depositors or the creditors thereof, it is necessary to issue directions to any class of registered Societies generally or to any registered Society or registered Societies in particular, he

may, by order issue directions to them from time to time, and all registered Societies, or the registered Society concerned, as the case may be, shall be bound to comply with such directions.

7. The general powers are conferred to the Registrar to issue directions to the management of a Co-operative Society. Thus, there is no infirmity in issuing instructions or directions to the management of a Co-operative society for the rectification of certain errors or irregularities or otherwise.

8. In respect of the grounds raised in this writ petition, this Court is of the opinion that there is no cause of action for the writ petitioner to move this writ petition. The internal communication between the Joint Registrar and the Special Officer, is challenged only with an idea to circumvent the legal principles settled by the 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)], held that no writ can lie against the Co-operative Societies.

9. In order to overcome the point of maintainability, the internal communication is challenged otherwise, no order of termination was issued by the Competent Authority of the Co-operative Society and the writ petitioner also has not received any orders of termination so far from the Appointing Authority or from any other Competent Authority.

10. Thus, no cause of action arosed for the writ petitioner to move this writ petition, challenging the internal communication issued by the Joint Registrar to the Special Officer. If any order was passed by the management of a Co-operative Society acting upon the instructions issued by the Joint Registrar, then the writ petitioner will get cause of action and thereafter, he has to redress his remedies under the provisions of the Tamil Nadu Co-operative Societies Act.

11. Accordingly, the writ petition cannot be entertained on the grounds raised in this writ petition. Thus, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

Svn

To

1.The Registrar of Co-operative Societies,
Kilpauk,
Chennai-600 010.

2.The Joint Registrar of Co-operative Societies,
Salem Zone,
Salem-7.

3.The Deputy Registrar of Co-operative Societies,
Salem-7.

4.The Special Officer,
Inambyroji Primary Agricultural Co-operative
Credit Society Ltd.,
Salem District.

+1 CC GOVT.PLEADER SR.No. 76726

+1 CC Mr.S.Umapathy Advocate SR.No.76541

+1 CC Mr.A.Arumugam Advocate SR.No.76045

WP 24897 of 2010

RSY (CO)
EGR 20/11/2017



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