

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.07.2017

CORAM

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

W.P.No.40189 of 2016

and

W.M.P.34224 of 2016

Nagarajan

... Petitioner

Vs.

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

2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Cooperative Societies,
(Full Additional in-charge),
Dharmapuri.

3.The President
S.8633, Periyanahalli Primary Agricultural
Cooperative Credit Society Ltd.,
Dharmapuri District.

4.Mr.N.V.Anandan,
Enquiry Officer,
183, R.G.Nagar,
Kannakurichi.
Salem-8.

...Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representations dated 07.01.2016, 12.03.2016 and 27.09.2016 and thereby direct the respondents to issue the relevant records and the statement of the witnesses of the Charge Memo dated 07.05.2015 in Na.Ka.No.1/2015 .SA in Department of enquiry proceedings initiated by the 3rd respondent without any further delay thereafter permit the petitioner to give reply to the charge memo.

For Petitioner : Mr.S.Gopalakrishnan

For Respondents : Mr.L.P.Shanmugasundaram
Spl. Govt. Pleader for R1 & 2

Mr.T.Girija
Government Advocate for R3

ORDER

The relief sought for in this writ petition is for direction, to direct the second respondent to consider the petitioner's representation dated 07.01.2016, 12.03.2016 and 27.09.2016 and to further direct the respondents to issue relevant records and the statement of the witnesses of the charge memo dated 07.05.2015 in the department of enquiry proceedings.

2.The writ petitioner is working as a Secretary in the respondent society, Dharmapuri District and based on certain allegations, charge memo was issued to the writ petitioner on 07.05.2015 and an enquiry officer was appointed, who in turn was in the process of conducting enquiry. The writ petitioner has submitted his representation stating that the management has not furnished relevant documents enabling him to defend his case. This apart, opportunity required to be given was also not provided to the writ petitioner in this regard, for which representations were submitted. However, this court is unable to consider the representation at this point, in view of the fact that no writ can be issued against a Co-operative Society which is not a "State" within the meaning under the Article 12 of the Constitution of India. The legal principal in this regard is settled by a larger Bench of this court in the case of Marappan & others Vs. Deputy Registrar, Co-operative Society reported in (2000) 4 CTC 689.

3.This apart, the enquiry officer appointed by the Management to conduct the enquiry has to provide an opportunity and the grievances if any is to be addressed to the competent authority in this regard by the writ petitioner and no writ proceedings can be entertained at this point of time, more so, against the Cooperative Society. Such being the legal dictum, this court is of the opinion that no further consideration has to be shown in this writ petition.

4. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1.The Registrar,
Co-operative Societies Registrar Office,
Kilpauk, Chennai 600 010.
 - 2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Cooperative Societies,
(Full Additional in-charge),
Dharmapuri.
 - 3.The President
S.8633, Periyanaahalli Primary Agricultural
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Dharmapuri District.
 - 4.Mr.N.V.Anandan,
Enquiry Officer,
183, R.G.Nagar,
Kannakurichi.
Salem-8.
- + 1 cc to M/s.B.Gopalakrishnan, Advocate,SR.52886
+ 1 cc to M/s.T.Girija, Advocate,SR.53562
+ 1 cc to The Govt.Pleader, SR.53481

सत्यमेव जयते

W.P.No.40189 of 2016

SR(CO)
NR 21/08/2017

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