

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6042 of 2016
and
W.M.P.No.5361 of 2016

B.Kandasamy

... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Villupuram District.
- 2.The Deputy Registrar of Co-operative Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.
- 3.Mr.K.V.Purushothaman,
Domestic Enquiry Officer/CSR (Retired),
Nolambur Primary Agricultural
Co-operative Credit Society,
Nolambur and Post, Tindivanam Taluk,
Villupuram District.
- 4.The President,
Nolambur Primary Agricultural
Co-operative Credit Society,
Nolambur and Post, Tindivanam Taluk,
Villupuram District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the charges dated 12.01.2015 passed by the fourth respondent when the President himself facing surcharge proceedings under Section 87(1) of the Act, for the same charges and quash the same and consequently direct the second respondent to drop the charges framed by the President against the petitioner.

For Petitioner : Mr.R.Karunagaran
For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

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O R D E R

Heard Mr.R.Karunagaran, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the respondents.

2.The writ petitioner was placed under suspension on account of initiation of disciplinary proceedings and the charge memo was issued by the fourth respondent, Co-operative Society in proceedings dated 12.01.2015. Though the prayer as such sought for challenging the charge memo cannot be entertained in this writ petition.

3.In view of the fact that the Co-operative Societies are not a state within the meaning of Article 12 of the Constitution of India, no writ can be entertained. The legal principles in this regard was settled by the Larger Bench of this Court in the case of Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689. Thus, the writ petition against the charge memo issued by the President of the Co-operative Society is not maintainable.

4.However, the learned counsel appearing for the writ petitioner submitted that the writ petitioner has submitted a revision petition under section 153 of the Tamil Nadu Co-operative Societies Act, 1983 to the first respondent on 05.01.2016. Without going into the merits of the matter, the first respondent is directed to consider the revision petition filed by the writ petitioner on 05.01.2016 and pass orders on merits and in accordance with law, by providing an opportunity to all the parties concerned, within a period of four months from the date of receipt of a copy of this order.

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5. Accordingly, the writ petition stands disposed of. However, no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Registrar of Co-operative Societies,
Villupuram District.
2. The Deputy Registrar of Co-operative Societies,
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Tindivanam, Villupuram District.
3. Mr. K. V. Purushothaman,
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Villupuram District.
4. The President,
Nolambur Primary Agricultural
Co-operative Credit Society,
Nolambur and Post, Tindivanam Taluk,
Villupuram District.

- +1 cc to Mr. R. Karunakaran Advocate sr 62631
+1 cc to Mr. L. P. Shanmugasundaram Advocate sr 62289
+1 cc to the Government Pleader sr 63044

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