

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.38280 of 2003
and
W.M.P. No.46463 of 2003

B. Karpagam

...Petitioner

versus

1. The Deputy Registrar of Co-operative Societies,
Thiruthani Region, Thiruthani,
Thiruvellore District.
2. The Special Officer,
Thiruthani Taluk Co-operative Housing Society Limited,
Chittoor Road, Thiruthani,
Thiruvellore District.

..Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to the auction notice published in the "DHINA THANDI" dated 10.12.2003 in so far as S.L.No.57 is concerned and quash the same and consequently directs the 2nd respondent to claim the insurance amount as per the group insurance policy taken in the name of R.Sekar from the insurance company.

For Petitioner : Mr.P.Krishnan

For RR1 : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op)

For RR2 : Mr.P.P.Shanmugasundaram

O R D E R

The challenge in the Writ Petition is the publication effected by the Special Officer of the Thiruthani Co-operative Housing Society Limited on 10.12.2003 in the vernacular newspaper "DHINA THANDI".

2. On perusal of the publication, this Court is able to see that the publication was effected by the Special Officer on behalf of the second respondent Co-operative Society. The Co-operative Society is not a State within the meaning of the Article 12 of the Constitution India and no writ petition can be maintained against the Co-operative Societies. The principle was laid down by the Larger Bench of this Court in the case of Marappan and Others reported in 4 SCC 689.

In view of the authoritative pronouncement of the Larger Bench of this Court, the present writ petition challenging the notification issued by the Special Officer is not maintainable and accordingly, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gv/rkp

To

1. The Deputy Registrar of Co-operative Societies,
Thiruthani Region, Thiruthani,
Thiruvellore District.
2. The Special Officer,
Thiruthani Taluk Co-operative Housing Societ Limited,
Chittorr Road, Thiruthani,
Thiruvellore District.

+1cc to the Government Pleader, S.R.No.37035

W.P. No.38280 of 2003
and

W.M.P. No.46463 of 2003

GJ(CO)
CS/23/05/17