



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.2020 of 2017

and

WMP(MD)Nos.1664 and 1665 of 2017

Pon Arumugam

... Petitioner

vs.

The Joint Registrar/Managing Director,
Tirunelveli District Central Co-Operative Bank Ltd,
Tirunelveli Junction Branch,
Tirunelveli District.

... Respondent

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for records pertaining to the domestic enquiry reports dated 07.11.2016 and 26.12.2016 filed by the 1st and 2nd domestic enquiry officers respectively and quash the same as illegal.

For Petitioner

: Mr.S.R.Anbarasu

For Respondent

: Mr.D.Shanmugaraja Sethupathi

ORDER

Challenging the domestic enquiry reports dated 07.11.2016 and 26.12.2016 respectively, the petitioner has filed this writ petition to quash the same.

2.First of all, in view of the ratio laid down by the Larger Bench of this Court in **K.Marappan v. The Deputy Registrar of Co-operative Societies, Namakkal** reported in **2006(4) CTC 689**, that writ petition against Co-operative Society is not maintainable, this writ petition cannot be maintained. However, the learned counsel for the petitioner would contend this Court on earlier occasion, has entertained the writ petition filed by the very same petitioner challenging the suspension order dated 11.02.2016 and gave a positive direction and therefore, submitted that the present writ petition also should be entertained. In this regard, this Court deems it fit to consider the following observations of the Hon'ble Supreme Court in **Padma Sundara Rao v. State of Tamil Nadu**, reported in **(2002) 3 SCC 533:-**



'9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in *Herrington v. British Railways Board*. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases.'

3. Be that as it may, the present writ petition challenging the enquiry reports cannot be entertained. However, without considering the maintainability of this writ petition and without taking note of K. Marappan's case (cited supra), it is open to the petitioner to submit a reply to the enquiry reports and if any final order is passed, it is further open to him to challenge the same in accordance with the provisions of the Tamil Nadu Co-operative Societies Act.

With the above observation, this Writ Petition stands dismissed. No costs. Consequently, WMP(MD)Nos.1664 and 1665 of 2017 are closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Joint Registrar/Managing Director,
Tirunelveli district Central Co-Operative Bank Ltd,
Tirunelveli Junction Branch,
Tirunelveli District.

+1 cc to M/S.S.R.ANBARASU, Advocate SR.No.6967
+1 cc to M/S.D.SHANMUGARAJA SETHUPATHI, Advocate SR.No.6800

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SMA/JM/24.02.2017:2P/4C