

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.12.2018

CORAM

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

W.P.No.14576 of 2005

J.Veeraraghavan

...Petitioner

vs

- 1.The Special Officer,
H.H.577 Vandavasi Primary Agricultural
Co-operative Bank Ltd.,
Vandavasi,
Thiruvannamalai District.
- 2.The Deputy Registrar of Co-operative Societies,
Cheyyar,
Thiruvannamalai District.
- 3.The Joint Registrar of Co-operative Societies,
Thiruvannamalai District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent dated 01.07.2004 and quash the same as illegal, arbitrary and against law and reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.A.Thiyagarajan, SC,
for Mr.S.Ramesh Kumar

For RR1 : Mr.R.Chandrasekaran

For RR2 and R3 : Ms.T.Girija, GA (Co-op)

O R D E R

The order of termination dated 01.07.2004 issued by the management of Cooperative Society/First respondent is under challenge in the present Writ petition.

2. The First respondent/Cooperative Society is a registered society under the provisions of the Tamilnadu Cooperative Societies Act. Thus, the remedy of the writ petitioner lies

only before the competent authority under the provisions of Tamilnadu Cooperative Societies Act.

3. The Co-operative Societies registered under the Tamilnadu Co-operative Societies Act is not a state within the meaning of Article 12 of the Constitution of India. Thus, the remedy to the employees of the Co-operative Societies lies before the competent authorities under the provisions of the Act itself. The Tamil Nadu Co-operative Societies Act is a comprehensive legislation and a revision is provided under section 153 of the Act. The powers of the Registrar under the Act has been delegated to the Regional Joint Registrars who are empowered to entertain the revision against the orders passed by the Special Officer/Management of the Co-operative Society. Thus, the present writ petition is not maintainable. The legal principles in this regard are settled by the Larger Bench of this Court in the matter of [K.Marappan Vs. Deputy Registrar, Co-operative Societies and another] reported in 2006 (4) CTC 689 . The writ petitioner is at liberty to approach the competent authority under the provisions of the Act. In the event of any such representation being made, the authorities may pass orders on merits and in accordance with law.

4.Hence, the writ petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Special Officer,
H.H.577 Vandavasi Primary Agricultural
Co-operative Bank Ltd.,
Vandavasi, Thiruvannamalai District.

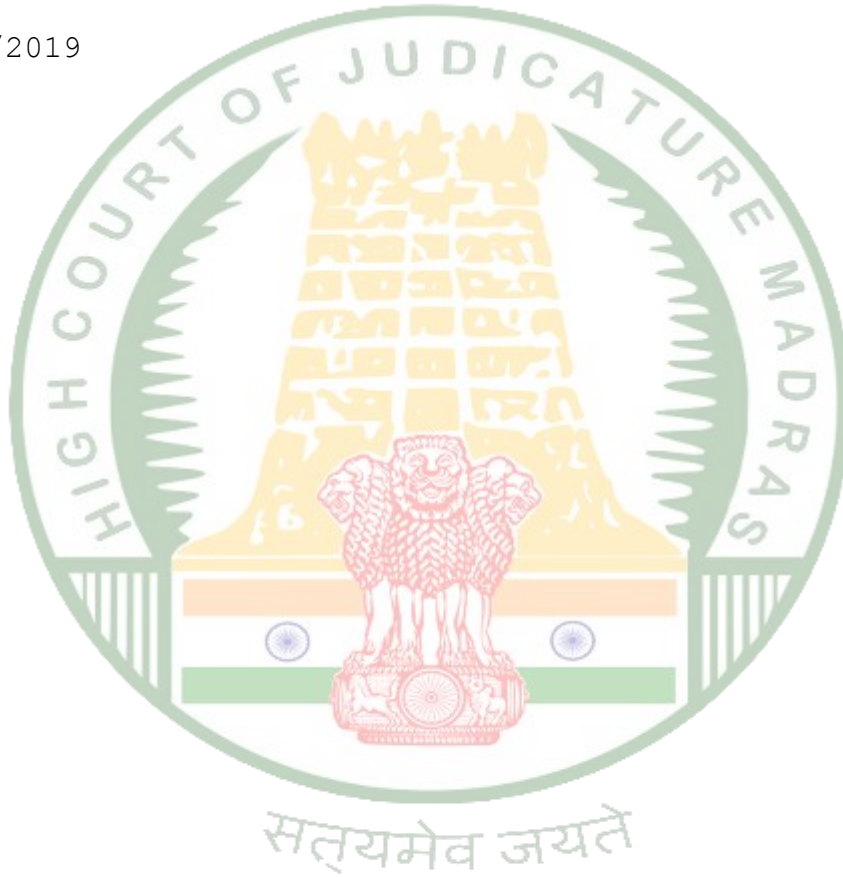
2.The Deputy Registrar of Co-operative Societies,
Cheyyar, Thiruvannamalai District.

3.The Joint Registrar of Co-operative Societies,
Thiruvannamalai District.

+1cc to the Government Pleader sr.86682
+1cc to Mr.A.Thiyagarajan, Advocate Sr.85807

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ssi[co]
srg 24/01/2019



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