

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.33639 of 2017
and W.M.P.Nos.7070 of 2018 and
W.M.P.Nos.37221 & 37222 of 2017

R.Thangamani

...Petitioner

Vs.

1.The Deputy Registrar of
Co-operative Societies,
Nallagoundenpalayam North,
Nallagoundenpalayam - 638 476,
Gobichettipalayam Taluk,
Erode District

2.The Secretary,
K 770, Kembanaickenpalayam Primary
Agriculture Co-Op Society,
Dasappagoundenpudur Via,
Kembanaickenpalayam - 638 503,
Sathyamangalam Taluk,
Erode District

3. The President,
K.770, Kembanaickenpalayam Primary
Agriculture Co-Op. Society,
Dasappagoundenpudur Via,
Kembanaickenpalayam - 638 503,
Sathyamangalam Taluk,
Erode District

... Respondents

PRAYER

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ or Certiorari, call for the records of the third respondent Jewel Auction Notice dated 14.12.2017 and quash the same.

For Petitioner : Mr.Dr.S.Kolandasamy

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader
(Co-operatives)

O R D E R

The relief sought for in the writ petition is to call for the records in respect of the Jewel Auction Notice dated 14.12.2017 issued by the third respondent and quash the same.

2. The impugned Jewel Auction Notice dated 14.12.2017 has been enclosed in page No.12 of the typed set of papers filed along with this writ petition. The said notice was issued by the President and the Members of the third respondent Cooperative Society. Thus, if at all the petitioner is aggrieved from and out of the actions initiated by the Cooperative Society, the petitioner has to approach the competent authority under the provisions of the Tamil Nadu Cooperative Societies Act, 1983. No writ petition can be entertained against the Cooperative Society under Article 226 of the Constitution of India.

3. In view of the fact that the Cooperative Society is not a "State" within the meaning of Article 12 of the Constitution of India. The Division Bench of this Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689, has held that the issues in relation to the Cooperative Societies are to be adjudicated before the competent authorities under the provision of the said Act at the first instance.

4. Thus, without exhausting the remedy available under the Cooperative Societies Act, 1983, the writ petitioner cannot challenge the Jewel Auction Notice issued by the President and the Members. This being the legal principles to be followed, this Court is of an opinion that the petitioner has to approach the Competent Authorities under the provisions of the said Act for the redressal of his grievances and the present writ petition cannot be maintained.

5. Thus, the Writ Petition stands dismissed as not maintainable. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

msv/lok
To

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Erode District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.No.35210

sm:8.6.2018

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सत्यमेव जयते

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