



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.02.2018

CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.(MD).No.4160 of 2013
and
M.P.(MD)No.1 of 2013 and 1 of 2015

M.Ravi

.. Petitioner

Vs.

1.The Sub Registrar of Co-operative Societies /
Field Officer, Special Officer MP 93,
Myladumparai Primary Agricultural
Co-operative Credit Society,
Myladumparai, Andipatti Taluk,
Theni District.

2.The Enquiry Officer,
MP 93, Myladumparai Primary Agricultural
Co-operative Society,
Myladumparai, Andipatti Taluk,
Theni District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to defer the departmental proceedings against the petitioner in pursuant to the charge memo dated 28.07.2011 on the file of the 1st respondent till the conclusion of the trial in CC No.218 of 2012 on the file of the Judicial Magistrate, Andipatti, Theni District

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mr.S.Seenivasagam

For R2 : No Appearance

O R D E R

The relief sought for in this Writ Petition is for a direction to direct the respondent to defer the departmental proceedings against the petitioner in pursuant to the charge memo dated 28.07.2011 on the file of the first respondent till the conclusion of the trial in CC No.218 of 2012 on the file of the Judicial Magistrate, Andipatti, Theni District.

2.The Writ Petition has been filed against the management of the co-operative societies. The co-operative society is registered under the provisions of Tamil Nadu Co-operative Societies Act, 1983, is not the "state" within the meaning of Article 12 of the Constitution of India. Thus no writ proceedings can be entertained against the co-operative societies, in view of the legal principles 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.



3.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner has submitted an application for perusal of certain vital documents, which all are referred in the charge memo. During the enquiry proceedings the same are to be shown to the writ petitioner and he must be permitted to peruse the same for the purpose of defending his case. However, the writ petitioner should co-operate for the earlier disposal of the enquiry proceedings in all respects. The non co-operation, if any, on the part of the writ petitioner also should be recorded by the enquiry officer. The enquiry proceedings commenced should be completed in all respects within the reasonable period of time and there should not be any undue delay in this regard.

4.In this view of the matter, no further adjudication is required in this matter and the writ petitioner is not maintainable in view of the larger Bench Judgement cited supra. Accordingly, this Writ Petition stand dismissed as not maintainable. However, there shall be no order as to costs. Consequently, M.P.(MD)No.1 of 2013 and 1 of 2015 are closed.

Sd/

Assistant Registrar (Crl side)

/True copy/

Sub Assistant Registrar

+1cc to Mr.S.Seenivasagam, Advocate, SR.No.51900

+1cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.51776

W.P. (MD) .No.4160 of 2013
27.02.2018

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KK/SKN RSK/15.03.2018/SAR-2/2P-3C