

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.03.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.4206 of 2018
and
W.M.P.No.5147 of 2018

A.P.Subramanian

.. Petitioner

vs

1.The Assistant Director,
Handlooms and Textiles
Ashokapuram
Veerapanchatiram
Erode - 638
Erode District.

2.The Chennimalai Kongu
Weavers' Co Op. Production and
Sale Society Ltd., No.EH 113
Rep.by its Managing Director,
36-A, Arunagirinathar St.,
Chennimalai - 638 051.
Erode 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 relating to the Impugned order of suspension made in Na.Ka.1/2017, dated 01.11.2017 passed by the 2nd respondent, quash the same and consequently direct the respondents herein to reinstate the petitioner with continuity in service.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Cooperatives)

O R D E R

The order of suspension issued by the Management of the Chennimalai Kongu Weavers' Co Op. Production and Sale Society Ltd., which is a registered society under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 is under challenge in the present writ petition.

2.The writ petitioner was holding the Post of Manager in the

2nd respondent Cooperative Society. A Cooperative Society, is not a "State" within the meaning of Article 12 of the Constitution of India. Thus, the writ petition cannot be entertained in view of the judgment of 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. The writ petitioner has to exhaust the remedies available under the provisions of the Tamil Nadu Co-operative Societies Act, more specifically, the revision would lie against the order of suspension under Section 153 of the Tamil Nadu Co-operative Societies Act.

3.This being the statutory remedy available to the writ petitioner, the writ petitioner is at liberty to approach the competent authorities for the purpose of redressing his grievances by filing the revision petition in a prescribed format and by paying the required fees.

4.With these observations, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Assistant Director,
Handlooms and Textiles, Ashokapuram,
Veerapanchatiram, Erode - 638, Erode District.

2.The Chennimalai Kongu
Weavers' Co Op. Production and Sale Society Ltd.,
No.EH 113 Rep.by its Managing Director,
36-A, Arunagirinathar St., Chennimalai - 638 051.
Erode District.

+1 cc to Mr.L.P.Shanmugasundaram, Advocate Sr.No.19699
+1 cc to Mr.N.Manokaran, Advocate SR.No.20066
+1 cc to The Government Pleader, SR.No.20973

W.P.No.4206 of 2018

AD(CO)
CSL/26.03.2019