

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.02.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4201 of 2019

and

WMP.No.4720 & 4722 of 2019

C.M.Balachandran

... Petitioner

..Vs..

1. The Registrar,
Cooperative Societies,
No.170, EVR Natarajan Maaligai,
Kilpauk, Chennai-600 010.
2. The Joint Registrar,
Cooperative Societies,
III floor,
District Collector Office,
Nagapattinam District.
3. The Deputy Registrar,
Cooperative Societies,
Mayiladuthurai,
Nagapattinam District.
4. The President,
Cooperative Societies,
Z-B-68, Kathiruppu Primary Agricultural
Cooperative Credit Society Ltd,
Annan Kovil Post, Sirkazhi Taluk,
Nagapattinam District.
5. M.Vanaja
6. T.Viswanathan
7. V.Mani
8. R.Ravi
9. A.Shanmugasundaram
10. Rajendran
11. Sankaran
12. P.Suseela

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for records relating to the resolution dated 25.01.2019 passed by the 4th respondent herein and quash the same as illegal and consequently direct the respondents 1 to 4 to promote the petitioner as Secretary in Z-B-68, Kathiruppu Primary Agricultural Cooperative Credit Society Ltd.

For Petitioner : Mr.S.Kingston Jerold

For Respondents 1-3 : Mr.L.P.Shanmugasundaram
Spl.Govt.Pleader
for R4: Mr.D.Venkattachalam
Addl.Govt.Pleader (Co-Op)

O R D E R

The resolution passed by the elected board of the 4th respondent Cooperative Society on 25.01.2019 is under challenge in the present writ petition.

2. A Cooperative Society registered under the provisions of the Tamil Nadu Cooperative Societies Act is not a State within a meaning of Article 12 of the Constitution of India. Thus, no writ petition would be entertained against the resolution passed by the elected board of a Cooperative Society. Remedy is provided under the provisions of the Act itself and therefore, the writ petitioner has to approach the Competent Authorities under the provisions of the Act, for the purpose of redress his grievances in the manner known to law.

3. The writ cannot be entertained against a Cooperative Society in view of the legal principles settled by the larger Bench of this Hon'ble Court in the case of K.Marappan Vs. Deputy Registrar of Cooperative Societies, reported in (2006) 4 CTC 689. Thus, the writ petitioner is at liberty to approach the Competent Authorities for redressal of his grievances.

4. With these observations, the writ petition stands dismissed as not maintainable. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pkn
To

1. The Registrar,
Cooperative Societies,
No.170, EVR Natarajan Maaligai,
Kilpauk, Chennai-600 010.
2. The Joint Registrar,
Cooperative Societies,
III floor,
District Collector Office,
Nagapattinam District.
3. The Deputy Registrar,
Cooperative Societies,
Mayiladuthurai,
Nagapattinam District.
4. The President,
Cooperative Societies,
Z-B-68, Kathiruppu Primary Agricultural
Cooperative Credit Society Ltd,
Annan Kovil Post, Sirkazhi Taluk,
Nagapattinam District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 14655

+1cc to Mr. L.P.Shanmugasundaram, Advocate SR.No. 14253

+1cc to Mr. S.Kingston Jerold, Advocate SR.No. 13263

W.P.No.4201 of 2019

A.SK(15/03/2019)

WEB COPY