

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM

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

W.P.No.5599 of 2018
& W.M.P.No.6935 of 2018

V.G.Jayamani

...Petitioner

Vs

- 1.The Joint Registrar of Co-operative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.
2. The Deputy Registrar of Cooperative Societies,
Cuddalore Circle, Cuddalore,
Cuddalore, District.
3. The President,
E.2015 Vegakollai Primary Agricultural
Cooperative Credit Society,
Vegakollai Post, Kurinjipadi via, Panruti Taluk,
Cuddalore District. Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the 2nd respondent to return back the amount to the tune of Rs.12,00,225/- together with interest till the date of disbursement of entire amount which was already deducted from the petitioner's salary by taking note of the order passed by the Cooperative Tribunal/District Court, Cuddalore in C.M.A.No.89 of 2003 dated 21.09.2012.

For Petitioner : Mr.C.Prakasam

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

O R D E R

The relief sought for in the present writ petition is for a direction to the 2nd respondent to return back the amount to the tune of Rs.12,00,225/- together with interest till the date of disbursement of entire amount, which was already deducted from

the petitioner's salary relying on the order passed by the Cooperative Tribunal/District Court, Cuddalore in C.M.A.No.89 of 2003 dated 21.09.2012.

2. The learned counsel for the petitioner states that the petitioner is entitled to get back the amount already recovered from his salary. However, the present writ petition cannot be maintained as the relief sought for is against the 3rd respondent, The President of Co-operative Society registered under the Tamil Nadu Co-operative Societies Act.

3. A Co-operative society is not a State within the meaning of Article 12 of the Constitution of India and the writ petitioner has to approach the competent authorities under the provisions of the Co-operative Societies Act. The Principles in this regard are 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. The petitioner has to approach the 1st respondent, who is the competent authority to adjudicate the issues and pass orders by affording an opportunity to all the parties concerned. In this view of the matter, no further adjudication is required and the writ petition stands dismissed as not maintainable. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ska/tta

To

- 1.The Joint Registrar of Co-operative Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.
2. The Deputy Registrar of Cooperative Societies,
Cuddalore Circle, Cuddalore,
Cuddalore, District.

3. The President,
E.2015 Vegakollai Primary Agricultural
Cooperative Credit Society,
Vegakollai Post, Kurinchipadi via, Panruti Taluk,
Cuddalore District.

+1cc to Mr.L.P.Shanmugasundaram, Special GP sr.no.11993
+1cc to Mr.C.Prakasam, Advocate sr.no.12670
+1cc to Government Pleader sr.no.11865

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nr 26/03/2019



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