

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.04.2019

CORAM

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

W.P.No.10745 of 2019
and
W.M.P.No.11220 of 2019

S.Ponnusamy

.. Petitioner

- Vs. -

1.The Sub-Collector,
Cheyyar Division,
Cheyyar.

2.The Tahsildhar,
Vembakkam Taluk,
Tiruvannamalai District.

3.The Secretary,
Cheyyar Revenue Division Revenue Department
Employers Co-operative Thrift and Credit Society Ltd.,
Vandavasi - 604 408,
Tiruvannamalai 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 letter dated 14.12.2018 issued by the 3rd respondent herein and quash the same and consequently direct the 3rd respondent herein to issue No Objection Certificate and consequently direct the respondents to pay all the retirement benefits.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.R.S.Selvam
Government Advocate for R1 & R2

Mr.L.P.Shanmugasundaram
Special Govt.Pleader (Co-op) for

R3

O R D E R

The order passed by the Secretary / third respondent Co-operative Society in proceedings dated 14.12.2018 is under

challenge in the present writ petition.

2.The grievances of the writ petitioner is that he borrowed a loan and settled the same by paying a monthly installments promptly. However, the further amount is sought to be recovered from the retirement benefits of the writ petitioner.

3. The learned counsel for the writ petitioner states that the writ petitioner has not been closed with the statement of accounts with breakup details. The fact remains that the impugned order has been passed by the Secretary of a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act. The Cooperative Society is not a State within the meaning of the Article 226 of the Constitution of India. Thus, the employees of the Cooperative Society are bound to exhaust the remedies provided under the Act itself. In respect of the principles of the Co-operative Society under Section 90 provides adjudication of disputes before the Competent Authority. Thus, the petitioner is bound to exhaust the statutory remedy provided under the Act. This apart, the disputed facts regarding the settlement of loans can never be exercised in the High Court under Article 226 of the Constitution of India. It can be settled with reference to the original documents, materials available and by adducing evidences.

4.The writ petitioner is at liberty to approach the Competent Authorities under the provisions of the Tamil Nadu Co-operative Societies Act for the purpose of redressing his grievances in the manner known to law.

5.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Sub-Collector,
Cheyyar Division,
Cheyyar.

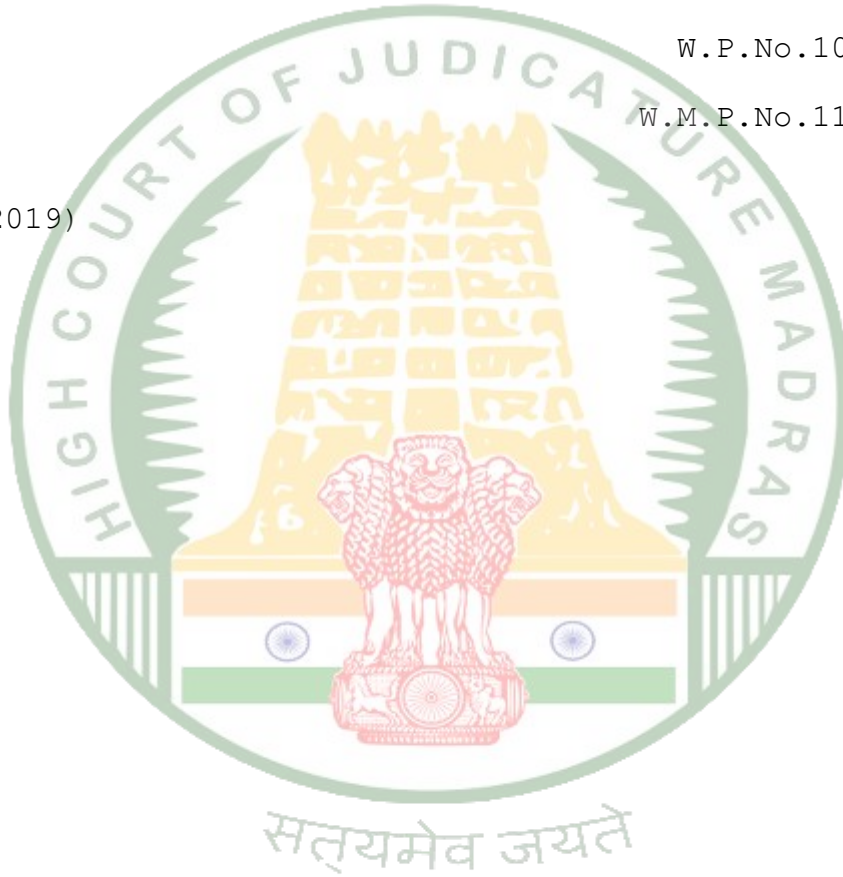
2.The Tahsildhar,
Vembakkam Taluk,
Tiruvannamalai District.

3.The Secretary,
Cheyyar Revenue Division Revenue Department
Employers Co-operative Thrift and Credit Society Ltd.,
Vandavasi - 604 408,
Tiruvannamalai District.

+1cc to M/s. R.S.Anandan, Advocate Sr.38447
+1 cc to Government Pleader, Sr.38864

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