

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2019

CORAM

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

W.P.No.11997 of 2019

G.Jayanthi

.. Petitioner

..vs..

1. The President / The Secretary,
ZA 97, Perumpanaiyur Primary Agricultural
Co-operative Society,
Kudavasal, Tiruvarur District.
2. The Joint Registrar,
Department of Co-operative Society,
Office of Joint Registrar Office,
Thiruvarur - 4.
3. The Deputy Registrar,
Circle Deputy Registrar Office,
Department of Co-operative Society,
Tiruvarur - 4.
4. The Sub-Registrar,
Department of Co-operative Society,
Kudavasal, Tiruvarur - 4.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pay the Employee Provident Fund and Employee Society Loan along with interest which was deducted from the petitioner's husband salary account based on the petitioner representation dated 22.07.2018.

For Petitioner : Mr.M.Mariappan

For Respondents : Mr.D.Venkatachalam
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to pay the Employee Provident Fund and Employee Society loan along with interest which was deducted from the petitioner's husband salary account based on the petitioner representation dated 22.07.2018.

2. The first respondent / Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter, referred to as "the Act") and not funded by the Government. Thus, the first respondent, against whom the relief is sought for, is not the "State" within the meaning of Article 12 of the Constitution of India. Thus, no writ petition can be entertained against the order passed by the Management of a Co-operative Society, in view of the legal principles settled by the Honourable Larger Bench of this Court in the case of K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another, reported in 2006 (4) CTC 689. The writ petitioner has to exhaust the statutory remedy provided under the provisions of the Act. The competent authority, namely, the Joint Registrar has to decide the issues by verification of the documents and considering the materials available on record, if any revision petition is filed by the writ petitioner. This being the principles to be followed, the writ petitioner is at liberty to approach the competent authority for the purpose of redressing her grievance. The writ petitioner is also at liberty to file a revision under Section 153 of the Act in the prescribed format by paying necessary fees.

3. Contrarily, the facts and circumstances leading to the cases which all are disputed cannot be adjudicated in a writ proceedings, as the said disputes are to be adjudicated with reference to the original files as well as the evidence available.

4. This being the factum, the writ petitioner is at liberty to approach the Competent Authorities under the provisions of the Act for the purpose of redressing her grievances.

5. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs.

(*)

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

pns / krk

**(*) Earlier order despatched on 25/07/2019 is recalled and
and Substituted as per order dated 05.08.2019.**

To

1. The President / The Secretary,
ZA 97, Perumpanaiyur Primary
Agricultural Co-operative Society,
Kudavasal, Tiruvarur District. To be Substituted to the
order already despatched
on 25.07.2019
2. The Joint Registrar,
Department of Co-operative Society,
Office of Joint Registrar Office,
Thiruvarur - 4.
3. The Deputy Registrar,
Circle Deputy Registrar Office,
Department of Co-operative Society,
Tiruvarur - 4.
4. The Sub-Registrar,
Department of Co-operative Society,
Kudavasal, Tiruvarur - 4.

+1 cc to Mr.N.Chinnaraj, Advocate, S.R.No.41761

+1 cc to Mr.D.Venkatachalam, Advocate, S.R.No.41109

RJI (CO)
SSM(19/06/2019)
MR (CO)
SSM(22/08/2019)

W.P.No.11997 of 2019

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