

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.11703 of 2019

V.Thangarajan (Ex. Driver No.12312)

... Petitioner

Vs.

1.K.S.Asylam (President),
Transport Employees Co-operative,
No.19/10 Rathna Nagar,
Teynampet,
Chennai - 600 018.

2.The Managing Director,
PTC & DATC,
Now Metro Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent Society to consider the petitioner's representation dated 30.08.2018, 15.03.2019 pertaining to damage of Rs.20,00,000/- not to paying the said amount.

For Petitioner : Mr.Venakatesan C.

For R1 : Ms.T.Girija
Government Advocate

For R2 : Mrs.S.Rajeni Ramadoss

O R D E R

The petitioner has filed the Writ Petition praying to issue a Writ of Mandamus, directing the first respondent Society to consider the petitioner's representation dated 30.08.2018, 15.03.2019 pertaining to damage of Rs.20,00,000/- not to paying the said amount. So far, the first respondent society has not passed any order.

2.The learned Government Advocate appearing for the first respondent would submit that in the light of the order passed in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689, wherein this Court held that the writ petition is not maintainable against the first respondent Co-operative Society and hence, the writ petition is liable to be dismissed. Further, if any grievance the petitioner has to approach the authority concerned under the provisions of the Tamil Nadu Co-operative Society Act.

3.As rightly pointed out the learned Government Advocate in the light of the full bench judgment made in K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689, the Writ Petition is liable to be dismissed.

4.Hence, the writ petition is dismissed as not maintainable with liberty to the petitioner to approach the authority concerned under the provisions of the Tamil Nadu Co-operative Society Act. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. President,
Transport Employees Co-operative,
No.19/10 Rathna Nagar,
Teynampet, Chennai - 600 018.

2.The Managing Director,
PTC & DATC, Now Metro Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

+1 cc to Mrs.Rajeni Ramadoss, Advocate Sr.No.38640
+1 cc to The Special Government Pleader, Sr.No.38139
+1 cc to Mr.C.Venkatesan, Advocate Sr.No.37351

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BS(CO)
CSL/27.05.2019