

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-03-2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 22480 of 2018
W.M.P.No.26348 of 2018

T.R.Murugan

...

Petitioner

Vs

1. The Joint Registrar of Co-operative Societies
Dharmapuri District.

2.5558 Vadukapatti Primary Agricultural
Co-operative Credit Society
Rep. By its President Mrs.Sivasakthi
Vadugapatti, H.Ecchempatti Post
Harur Taluk,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus to call for the records of the 2nd respondent pertaining to the suspension order dated 23-03-2018 and quash the same and consequently direct the 2nd respondent to pay the petitioner the salary from January 2018.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.L.P.Shanumugasundaram
Special Government Pleader (Co-op)

O R D E R

The impugned order of suspension has been issued by the President of the Second respondent Co-operative Society, which is registered under the Provisions of the Tamil Nadu Co-operative Societies Act, 1983.

2. The Co-operative Society which is not funded by the State is not a 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 Co-operative Society.

3. The writ petition would be maintainable if any such co-operative society is funded and administered by the State or its authorities. The legal principles in this regard are settled by 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.

4. The writ petitioner has to exhaust the statutory remedy provided under the Act, more specifically, the revision under Section 153 of the Act. Under these circumstances, the petitioner is at liberty to approach the Competent authority by way of filing a revision petition under Section 153 of the Act in the prescribed format and by paying the fees prescribed.

5. With these observations, the writ petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ssb

To

1. The Joint Registrar of Co-operative Societies,
Dharmapuri District.

2.5558 Vadukapatti Primary Agricultural
Co-operative Credit Society
Rep. By its President Mrs.Sivasakthi
Vadugapatti, H.Ecchempatti Post
Harur Taluk,
Dharmapuri District.

+1cc to Mr.P.Valliappan, Advocate SR.No.23898

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.24003

+1cc to Government Pleader SR.No.29497

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AD(CO)
GMY(03/04/2019)