

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No.1756 of 2019
and
C.M.P.No.11906 of 2019

K.Raja ... Appellant/ Petitioner

Vs.

1. The Registrar of Cooperative Societies (Housing)
No.40, Ritherton Salai,
Veppery,
Chennai.
2. The Deputy Registrar (Housing),
Thanjavur Region,
No.1/3107, Ramalinga Adikalar Arakkattalai Building,
Daniel Thomas Nagar,
V.O.C.Nagar Post,
Thanjavur.
3. The President,
S.A.H.S.G.87, Sirkazhi Taluk Cooperative Housing
Society Ltd.,
No.10, West Car Street,
Sirkazhi, - 609 110
Nagapattinam District. ... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order passed by the learned single Judge of this Court in W.P.No.29094/2018 dated 28.02.2019.

Prayer in W.P.No.29094/2018:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Ceritorarified Mandamus Directing the respondents to regularize the petitioner service as Attender in the 3rd respondent society by taking note of circular issued by the Registrar of Co-operative Societies in Circular No.21/2007 in Rc.No.103607/2007/SF3 dated 30.08.2007.

For Appellants : Mr.C.Prakasam,

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

J U D G M E N T

(Judgment of the Court was made by K.K.SASIDHARAN, J.,)

The writ petition filed by the appellant to regularise his service as attender in the Sirkazhi Taluk Co-operative Housing Society Limited, taking into account the Circular issued by the Registrar of Co-operative Societies dated 30.08.2007 was dismissed by the learned single Judge on the ground of alternative remedy.

2. The learned single Judge placed reliance on Mariappan's case for non-suiting the appellant. We are of the view that the position prevailed at the time of Marappan's case is not the legal position at this point of time, in view of the constitutional amendment, giving constitutional status to the Co-operative Societies. This Court has already taken a similar view in the appeals preferred against the order passed by the learned single Judge holding that the writ petition is not maintainable in view of the decision rendered by the Division Bench in Marappan's case.

3. We set aside the order passed by the learned single Judge. The writ petition is restored to file. We direct the respondents to file a counter affidavit, taking into account, the contention taken by the appellant in the affidavit filed in support of the writ petition. The writ petition would now be disposed of on merits and as per law.

4. The intra court appeal is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Registrar of
Cooperative Societies (Housing)
No.40, Ritherton Salai,
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Chennai.
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3. The President,
S.A.H.S.G.87, Sirkazhi Taluk Cooperative Housing Society
Ltd.,
No.10, West Car Street,
Sirkazhi, - 609 110
Nagapattinam District.

Copy to :
The Section Officer,
Writ Section, (Posting)
High Court, Madras

+1cc to Mr.C.Prakasam , Advocate SR.No. 57189

+1 cc to Spl Government Pleader Sr.No. 58022

W.A.No.1756 of 2019

br

A.SK(29/08/2019)

सत्यमेव जयते

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