

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.02.2019

CORAM

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

W.P.No.15871 of 2018 and
W.M.P.No.18876 of 2018

A.Muruganandam

..Petitioner

vs

1. The President,
Coimbatore District Central
Co-operative Bank Limited,
No.80, State Bank Road,
Coimbatore 641 018.

2. The Co-operative Sub-Registrar,
O/o.The Co-operative Sub-Registrar,
Coimbatore Division,
Coimbatore 641 018.

3. The Joint Registrar,
Co-operative Societies,
No.80, State Bank Road,
Coimbatore 641 018.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus to call for the records in Na.Ka.No.01785/2017/E1 dated 27.03.2018 of the 1st respondent and quash the same and consequently direct the 1st respondent to consider the representation of the petitioner dated 18.09.2017 without taking into consideration the Bank by-law Rule 23.

For Petitioner : M/s.Tamilzh Law Firm
for Mr.R.Amardeep & Mr.T.Arunkumar

For Respondents : M/s.S.Prabavathy
for Mr.M.S.Palaniswamy for R1
Mr.L.P.Shanmuga Sundaram for R2& 3
Special Government Pleader (Co-op).

O R D E R

The order issued by the President of Coimbatore District Bank is under challenge in the present writ petition.

2. The Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies is not "State" within the meaning of Article 12 of the constitution of India. Even after the constitutional amendment by adding the Co-operative Society as an institution in the 9th Constitution, it is to be established that such Societies are found by the Government machinery only and if the Government funds are invested in the Co-operative Society over and above 50%, then alone the said Co-operative institution can be considered as a "State" within the meaning of Article 12 of the constitution of India. Otherwise, the employees of the Co-operative Society have to approach the competent authorities under the provisions of the Tamil Nadu Co-operative Society, in order to exercise the remedies available, specifically under Section 153 of the Act, which provides for redressal, in respect of the grievances raised in the present writ petition.

3. In this view of the matter, the writ petitioner is at liberty to approach the competent authority under the provisions of the Tamil Nadu Co-operative Society, for the purpose of the redressal of his grievances and to exercise the remedy provided under the Statute.

4. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmm
To

1.The President,
Coimbatore District Central
Co-operative Bank Limited,
No.80, State Bank Road,
Coimbatore 641 018.

2.The Co-operative Sub-Registrar,
O/o.The Co-operative Sub-Registrar,
Coimbatore Division,
Coimbatore 641 018.

3.The Joint Registrar,
Co-operative Societies,
No.80, State Bank Road,
Coimbatore 641 018.

+1 cc to M/s.Tamizh Law Firm, Advocate, S.R.No.16435

+1 cc to M/s.M.S.Palanisamy, Advocate, S.R.No.16584

W.P.No.15871 of 2018

VBA(CO)
SSM(28/03/2019).



WEB COPY