

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :22.02.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.16046 of 2018

B.Hariprasanth

..Petitioner

vs

1.The Registrar of Cooperative Society
Kilpauk, Chennai.

2.The Deputy Registrar of Cooperative Society
Coimbatore, Coimbatore District.

3.The President
C.C.2342, Pasur Puthupalayam
Primary Agricultural Cooperative Society
Pasur(Post)
Annur Taluk
Ananur 641 653
Coimbatore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of impugned order dated 4.12.2017 on the file of 3rd respondent and quash the same and to disburse the terminal benefits of deceased Rukmani to the petitioner with interest 12% per annum from the date of her death on 18.4.2017 till the date of realisation.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Cooperatives)

O R D E R

The impugned order dated 04.12.2017 is passed by the President of the Cooperative Society is sought to be quashed in the present writ petition.

2.This apart, the impugned order is an internal communication, shared between the President of the Cooperative Society as well as the Deputy Registrar of Cooperative Societies. If at all, the writ petitioner is aggrieved from and out of any such of communication, order or otherwise, he has to approach the competent authority under the provisions of the

Tamil Nadu Cooperative Societies Act. The society, registered under the Cooperative Societies Act, is not a "State" within the meaning of Article 12 of the Constitution of India. The society is functioning from and out of the funds of the members of the Cooperative society and Elected Board, is administering the society.

3.This being the factum, the writ petitioner has to exhaust the remedies provided under Section 153 of the Tamil Nadu Cooperative Societies Act. In this regard, the petitioner is at liberty to approach the competent authorities in the manner known to law with the redressal of his grievances.

4.With these observations, the writ petition is dismissed as not maintainable. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Registrar of Cooperative Society
Kilpauk, Chennai.
- 2.The Deputy Registrar of Cooperative Society
Coimbatore, Coimbatore District
- 3.The President
C.C.2342, Pasur Puthupalayam
Primary Agricultural Cooperative Society
Pasur(Post), Annur Taluk, Ananur 641 653
Coimbatore District.

+1 cc to M/s.L.P.Shanmugasundaram, Advocate Sr.No.17213
+1 cc to Mr.K.Myilsamy, Advocate Sr.No.16943

W.P.No.16046 of 2016

GP(CO)
CSL/27.03.2019