

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.30315 of 2018

and

WMP.No.35371 of 2018

M.Rangan

...Petitioner

Vs

1. The Joint Registrar Co-op. Societies,
Krishnagiri Region, Krishnagiri District.
2. The Management of S.527, Kelamangalam
Agricultural Producers' Co-op. Marketing Society Ltd,
Rep. by its Managing Director, Kelamangalam,
Denkanikottai Taluk, Krishnagiri District.
3. N.V.Anandan,
Enquiry Officer,
No.183, R.G.Nagar,
Kannangkurichi, Salem-8.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the records relating to the impugned domestic enquiry report dated 25.10.2018 submitted by the 3rd respondent and the consequential impugned show cause notice dated 27.10.2018 issued by the 2nd respondent here in and quash the same and consequently direct the 2nd and 3rd respondents to conduct afresh domestic enquiry for the alleged charges framed against the petitioner by following due process of law after affording due opportunity to the petitioner.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.L.P.Shanmugasundaram
Spl.Govt.Pleader for R1
Mr.R.Bala Ramesh
Spl.Govt.Pleader for R2

O R D E R

The domestic enquiry report dated 25.10.2018, submitted by the 3rd respondent and the consequential show-cause notice dated 27.10.2018, issued by the 2nd respondent is sought to be quashed. The domestic enquiry report was submitted by the domestic enquiry officer / 3rd respondent.

2. The 2nd respondent is the Management of a Cooperative Societies, registered under the provision of the Tamil Nadu Cooperative Societies Act. The Cooperative Society registered under the Act is not a State within the meaning of Article 12 of the Constitution of India. Thus, the writ petition itself is not maintainable. This apart, the writ petitioner has challenged the enquiry report as well as the 2nd show-cause notice issued for providing an opportunity to the writ petitioner to submit his explanations/objections. Instead of submitting explanations/objections on enquiry report, the writ petitioner has chosen to file the present writ petition.

3. Thus no writ petition can be entertained against the Cooperative Society in view of the legal principles settled by the larger Bench in the case of K.Marappan Vs. Deputy Registrar, Cooperative Societies, reported in (2006) 4 CTC 689.

4. Intermittent intervention in the disciplinary proceedings is not preferable. However, only on exceptional circumstances, this Court can issue a direction against the proceedings and not in a routine manner. Mere issuance of a show-cause notice to the writ petitioner directing him to participate in the domestic enquiry will not give any cause of action to move this writ petition under Article 226 of the Constitution of India. Thus, the writ petition is absolutely misconceived and the grounds raised in this writ petition cannot be considered.

5. Apart from the above observations, the writ petition itself is not maintainable as the 2nd respondent / Cooperative Society is not a State within the meaning of Article 12 of the Constitution of India. Even in case of any illegal infirmity in respect of the 2nd show-cause notice, the writ petitioner has to approach the Competent Authority under Section 153 of the Tamil Nadu Cooperative Societies Act, by filing a Revision Petition in a prescribed format and by paying the fees.

6. This being the principles to be followed, the writ petitioner has not established any acceptable grounds for the purpose of considering the relief as such sought for in the present writ petition. Accordingly, the writ petition stand dismissed. No Costs. Consequently, connected miscellaneous

petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Joint Registrar Co-op. Societies,
Krishnagiri Region, Krishnagiri District.
2. The Management of S.527, Kelamangalam
Agricultural Producers' Co-op. Marketing Society Ltd,
Rep. by its Managing Director, Kelamangalam,
Denkanikottai Taluk, Krishnagiri District.

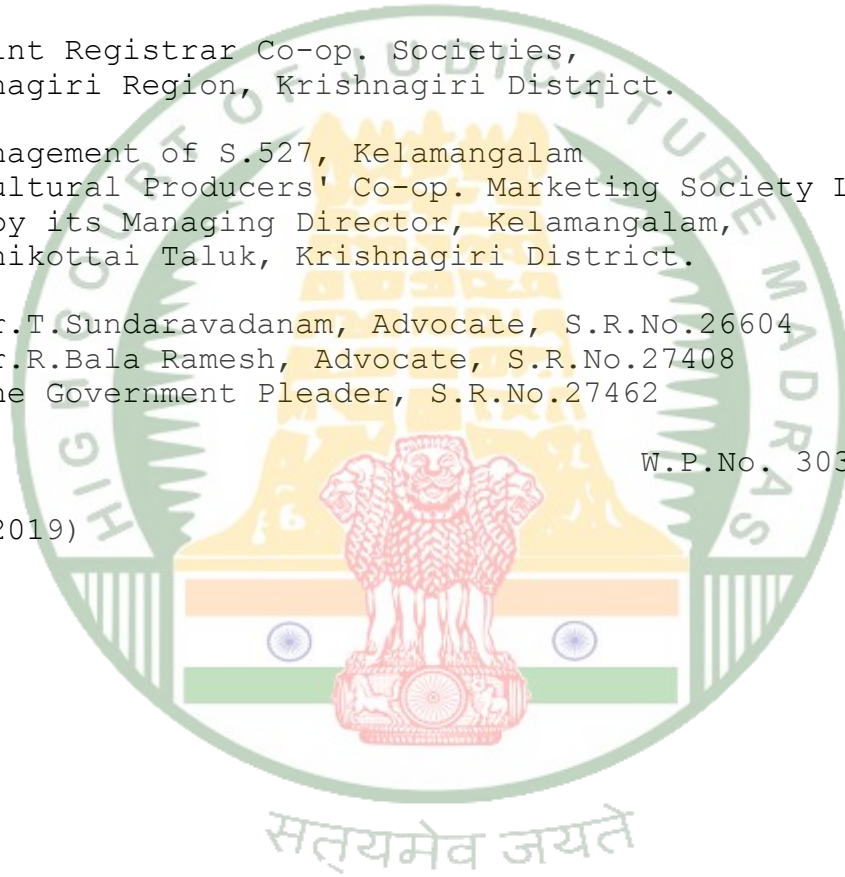
+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.26604

+1cc to Mr.R.Bala Ramesh, Advocate, S.R.No.27408

+1cc to the Government Pleader, S.R.No.27462

W.P.No. 30315 of 2018

KS(CO)
CB(22/04/2019)



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