

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.03.2019

CORAM

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

W.P.No.32688 of 2018 and
W.M.P.Nos.37886 & 37887 of 2018

S.Azhagusundaram

.. Petitioner

vs

1. The Deputy Registrar of Co-op Societies,
Chidambaram Circle,
Chidambaram,
Cuddalore District.

2. The President,
E-2599 Pannappattu Primary Agricultural
Cooperative Credits Society Ltd.,
Chidambaram Taluk,
Cuddalore District.

.. Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings No.Nil, dated 03.12.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operative society)

O R D E R

The order of suspension issued by the President of the Co-operative Society in proceedings dated 03.12.2018 is under challenge in the writ petition.

2. The writ petitioner was working as a Secretary to Pannappattu Primary Agricultural Cooperative Credit Society. It is a society registered under the Tamil Nadu Co-operative Societies Act.

3. The learned Special Government Pleader appearing on

behalf of the respondents states that the 2nd respondent society is neither funded by Government nor administered by the Government Authorities. Thus the 2nd respondent society is not instrumental body of the State and no writ petition can be entertained as the 2nd respondent is not the State within the meaning of Article 12 of the Constitution of India.

4. The legal principles in this regard are settled by the Larger Bench of this Court in the case of K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another reported in 2006(4) CTC 689.

5. This apart the Tamilnadu Cooperative Societies Act provides an alternate remedy. The petitioner has to exhaust the statutory remedy prescribed under the Act, more specifically Section 153 of the Act provides revision. The petitioner has to file a Revision petition for the purpose of redressing his grievance in the prescribed form and not by this Court. In the event of preferring a revision petition under the Act before the Competent Authority, then the authorities are bound to consider the same and pass orders on merits and in accordance with law by affording reasonable opportunity to the writ petitioner also.

6. No writ petition can be entertained without exhausting the statutory remedy prescribed under the Act. The said principle is also to be valued beyond the legal principles settled by the Larger Bench cited supra.

7. In any event, the petitioner has to approach the competent Authority under the provisions of the Act. This being the factum, this Court is of the opinion that the writ petition at this stage against the Co-operative societies cannot be entertained.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

vum/mbi

To

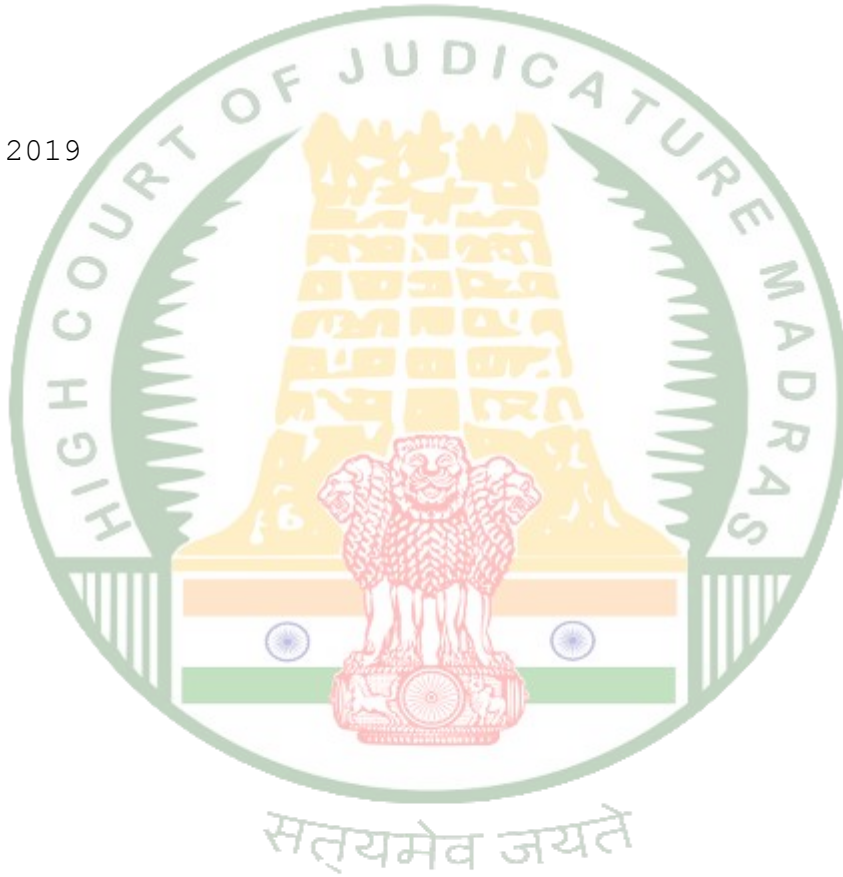
1. The Deputy Registrar of Co-op Societies,
Chidambaram Circle,
Chidambaram, Cuddalore District.

+1 cc to The Government Pleader, Sr.No.31053
+1 cc to Mr.C.Prakasam, Advocate, Sr.No. 31226

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CA (CO)

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