

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2019

CORAM

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

W.P.No.32813 of 2018

U.R.Thavamani

.. Petitioner

..vs..

The Additional Registrar / Managing Director,
Tamil Nadu Cooperative Union
No.170 EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to pass appropriate orders on the representation dated 16.08.2018 seeking maintenance of cadre strength and to discharge of surplus hands beyond the cadre strength on merits and within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the respondent to pass appropriate orders on the representation dated 16.08.2018 seeking maintenance of cadre strength and to discharge of surplus hands beyond the cadre strength on merits.

2.Preliminary objection raised by the learned Special Government Pleader is that the respondent Tamil Nadu Cooperative Union is a Society registered under the Tamil Nadu Cooperative Societies Act and is not a State within the meaning of Article 12 of the Constitution of India. The respondent union is not funded by the State not Instrumental of the State.

3.This being the factum, the writ petitioner is bound to exhaust the alternate remedy provided under the Tamil Nadu Cooperative Societies Act. More specifically, Section 153 provides revision to redress the grievances. The case of the alternate remedy is efficacious and therefore, the writ petitioner is at liberty to approach the Competent Authorities under the provisions of the Act for redressal of his grievances.

4.This being the legal principles to be followed, this Court is of the considered opinion that the relief sought for in the present writ petition cannot be granted as such, the factual grounds raised in the present writ petition are to be adjudicated by the Competent Authorities by adducing the evidences. This being the nature of the proceedings under the statutes, the writ petitioner is bound to avail the same.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Pns

To

The Additional Registrar / Managing Director,
Tamil Nadu Cooperative Union
No.170 EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

+1 CC to Government Pleader Sr.No.40894.

+1 CC to Mr.L.Chandrakumar, Advocate Sr.No.41039

+1 CC to Mr.L.P.Shanmugasundaram, Advocate Sr.No.41094

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RJI (CO)
KP(31/05/2019)