



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.17373 of 2015

and

M.P. (MD) No.1 of 2015

T.Jeyanthi

... Petitioner

vs.

1.The Joint Registrar
Co-operative Society
Nagercoil, Kanyakumari District

2.The Sub Registrar
Co-operative Society
Nagercoil, Kanyakumari District

3.The President
Y.160, Vadasery Co-operative Stores Ltd.,
Nagercoil, Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned charge memo dated 12.09.2015 and consequent order of suspension dated 15.09.2015 by the third respondent and quash the same.

For Petitioner : Mr.J.Ashok

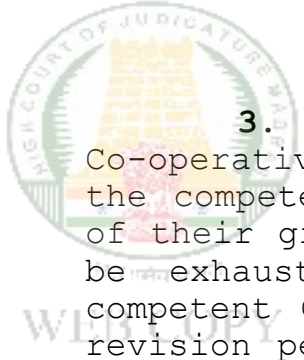
For Respondents : Mr.M.Jeyakumar

Additional Government Pleader for R1 & R2
Mr.N.Dilip Kumar for R3

O R D E R

The charge memo dated 12.09.2015 as well as the order of suspension dated 15.09.2015 issued by the third respondent to the writ petitioner are under challenge in the present writ petition.

2. The third respondent is a Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1961 (hereinafter, referred to as "the Act"). The third respondent / Society is not funded by the Government. Thus, the third respondent / Society is neither an instrumentality of the State nor a State as defined under Article 12 of the Constitution of India. Thus, no writ petition can be entertained in view of the legal principles settled in this regard by the Larger Bench of this Court in **K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another**, reported in **2006 (4) CTC 689**.



3. In respect of the orders passed by the Management of a Co-operative Society, the aggrieved persons are bound to approach the competent authority under the Act for the purpose of redressal of their grievance. The effective statutory alternate remedy is to be exhausted by the aggrieved persons before approaching the competent Court of law. Thus, the writ petitioner has to file a revision petition, under Section 153 of the Act, in the prescribed format and by paying the necessary fees, for the purpose of redressal of her grievance.

4. With these legal principles, the writ petitioner is at liberty to approach the competent authority under the Act. Accordingly, the writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Joint Registrar,
Co-operative Society,
Nagercoil, Kanyakumari District.

2.The Sub Registrar,
Co-operative Society,
Nagercoil, Kanyakumari District.

+1 CC to Mr.N.DILIP KUMAR, Advocate SR-69142.
+1 CC to SPL GP SR-69247.

W.P. (MD) No.17373 of 2015

and
M.P. (MD) No.1 of 2015
14.06.2019

CS: (25/06/2019) 2P 5C