



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.3615 of 2015

and

M.P. [MD]No.1 of 2015

M.Nagarajan

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Pudukottai.

2.The President,
Vaithur Primary Agriculture
Co-operative Credit Society Ltd.,
Vaithur Post,
Kulathur Taluk,
Pudukottai District.

3.P.Muthu,
The President,
Vaithur Primary Agriculture
Co-operative Credit Society Ltd.,
Vaithur Post, Kulathur Taluk,
Pudukottai District.

... Respondents

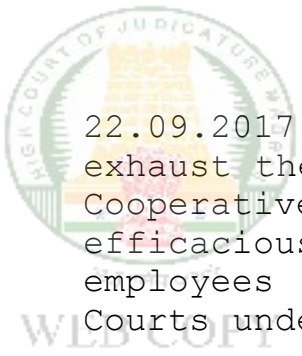
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned order of the second respondent dated 28.02.2015 and quash the same.

For Petitioner : Mr.H.Arumugam
For Respondent No.1 : Mr.D.Muruganantham
Additional Government Pleader
For Respondents 2 & 3 : Mr.P.Chandra Bose

O R D E R

The order of suspension dated 28.02.2015 placing the writ petitioner under suspension is under challenge in the present writ petition. The order of suspension was issued by the President of the Cooperative Society, which is not a State within the meaning of Article 12 of the Constitution of India.

2.This apart, the learned Additional Government Pleader appearing on behalf of the respondent brought to the notice of this Court that the writ petitioner was terminated from service on



22.09.2017. Even otherwise also, the writ petitioner has to exhaust the remedy provided under the provisions of the Tamil Nadu Cooperative Societies Act, 1983. Only after exhausting the efficacious alternate remedy provided under the Statute, the employees of the Cooperative Societies can approach the High Courts under Article 226 of the Constitution of India.

3.It is not as if exhausting the remedy is to be done only by the employees of the Cooperative Society. Aggrieved persons must also exhaust the alternate remedy, which is also a pre-condition for entertaining the writ petition. Even in cases falling under the Income Tax Act, Customs and Excise or any other special legislation, the aggrieved persons must exhaust the alternate statutory remedy and thereafter, the High Court can entertain the writ petition under Article 226 of the Constitution of India. This being the basic principle to be followed, the present writ petition deserves no merit consideration, as the writ petitioner has not exhausted the alternate remedy.

4.Thus, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To
The Deputy Registrar of Co-operative Societies,
Pudukottai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-72185[F] dated 28/06/2019)

+1 CC to M/s.P.CHANDRA BOSE, Advocate (SR-72283[F] dated 28/06/2019)

+1 CC to M/s.SPL GP (SR-72157[F] dated 28/06/2019)

MR

W.P[MD]No.3615 of 2015
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