



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4312 of 2015

and

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

G.Selvaraj

... Petitioner

vs.

1.The Deputy Registrar Co-operative Societies  
Palani Circle, Palani, Dindigul District

2.The Joint Registrar Co-operative Societies  
Dindigul Region, Dindigul District

3.The President  
D.D.543, Aanaipatti Primary  
Agricultural Co-operative Society  
Aanaipatti, Vedasanthur Taluk  
Dindigul District

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorified mandamus calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings No.Nil dated 18.06.2014 and quash the same as illegal and consequentially to direct the respondents to pay subsistence allowance to the petitioner from the date of suspension i.e. from 29.10.2005 to till date in the light of the judgment reported in 2009 (1) MLJ 18, within the period stipulated by this Court.

For Petitioner : Mr.A.Nawaz Khan  
for M/s.Ajmal Associates

For Respondents : Mr.D.Muruganandham  
Additional Government Pleader for R1 & R2  
Mr.R.Saravanan for R3

### O R D E R

The impugned order, dated 18.06.2014, was passed by the third respondent / the President of D.D.543, Aanaipatti Primary Agricultural Co-operative Society, registered under the provisions of the Tamil Nadu Cooperative Societies Act, 1983 (hereinafter, referred to as "the Act"). Thus, the third respondent / Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India.



2. This apart, the learned counsel appearing for the third respondent brought to the notice of this Court that the writ petitioner was terminated from service on 20.11.2009 and he filed other writ petitions also.

3. As far as the present writ petition is concerned, the employees of the Cooperative Banks have to exhaust their statutory remedy provided under the Act. Thus, no writ petition can be entertained against the orders passed by the Cooperative Societies. 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, Namakkal Circle, Namakkal and another**, reported in **2006 (4) CTC 689**. Thus, the writ petitioner, if at all aggrieved in respect of the payment to be made, is at liberty to approach the competent authorities under the provisions of the Act.

4. Accordingly, the writ petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS )

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To:

1.The Deputy Registrar of Co-operative Societies,  
Palani Circle, Palani, Dindigul District.

2.The Joint Registrar of Co-operative Societies,  
Dindigul Region, Dindigul District.

+1CC TO M/S.AJMAL ASSOCIATES, ADVOCATE, SR.NO.71728

+1CC TO M/S.R.SARAVANAN, ADVOCATE, SR.NO.71616

+CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO.72002

**W.P. (MD) No.4312 of 2015**

**and**

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

**26.06.2019**