



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.07.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.14849 of 2014

R.Arunachalam

... Petitioner

Vs.

1.The Regional Joint Registrar,
Office of the Joint Registrar Office,
Thanjavur.

2.The Deputy Registrar,
Office of the Deputy Registrar,
Pattukkottai,
Thanjavur District.

3.The Special Officer,
TA-47, Mudalcheri Primary Agriculture
Co-operative Bank,
Pallikondan,
Pattukkottai Taluk,
Thanjavur District.

4.V.Govindasamy

... Respondents

PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay subsistence allowance of Rs.5,30,488.52/- with interest to the petitioner and consider the petitioner's representation dated 19.03.2014.

For Petitioners : Mr.K.Guhan

For R1 & R2 : Mr.M.Jeyakumar,
Additional Government Pleader

For R3 & R4 : Mr.S.Deenadhayalan

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to pay the subsistence allowance of Rs.5,30,488.52/- with interest to the petitioner based on his representation, dated 19.03.2014.



2. The writ petitioner was working as Secretary of Co-operative Society, which is registered under the provisions of the Tamil Nadu Co-operative Societies Act. The third respondent Society is not a 'State' within the meaning of Article 12 of the Constitution of India as there is no Government funded. Thus, the writ petitioner has to approach the competent authority under the provisions of the Act for the purpose of exhausting the remedy.

3. This Court is of the considered opinion that the learned counsel appearing on behalf of the respondents 1 & 2 states that the writ petitioner was suspended on many occasions and reinstated into service and subsequently attained the age of superannuation. Even at the time of filing of the writ petition, the petitioner was aged about 63 years and now, he would be around 68 years. Under these circumstances, the disputed facts and circumstances cannot be adjudicated by this Court in the present writ petition for the purpose of adjudicating the merits and demerits and the writ petitioner has to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act. Thus, the petitioner is at liberty to approach the competent authority under Section 153 of the Tamil Nadu Co-operative Societies Act by filing revision petition in a prescribed format and by paying necessary fees. In the event of submitting any such revision petition, the competent authorities are empowered to conduct an enquiry and decide the matter on merits and in accordance with law.

4. With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (A.E.)

// True Copy //

Sub Assistant Registrar (CS)

Am

To

1. The Regional Joint Registrar, Office of the Joint Registrar Office, Thanjavur.
2. The Deputy Registrar, Office of the Deputy Registrar, Pattukkottai, Thanjavur District.

+1cc to Mr. S. DEENADHAYALAN, Advocate, SR.No.77163

+1cc to Mr. K. GUHAN, Advocate, SR.No.76968

+1cc to the Spl. Govt. Pleader Sr.No.77177

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