



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17468 of 2014

and

M.P. (MD)No.1 of 2014

K.Selvin Sundaranayagam

... Petitioner

-Vs-

1. The Registrar,
Co-operative Housing Societies,
79-4th Main Road, Gandhi Nagar,
Adayar, Chennai-20.
2. The President,
Tamil Nadu Co-operative Housing Federation,
40, Ritherdon Road, Vepary,
Chennai-7.
3. The Deputy Registrar,
Co-operative Housing Societies,
Singam Building, Tirunelveli-2.
4. The President,
Tamil Nadu State Transport Corporation Employees
Co-operative Housing Society Limited,
No.TNV/HSG 49, Ranithottam,
Nagercoil-629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the salary of the petitioner and allow him to continue in duty as Manager in the fourth respondent society.

For Petitioner : Mr.C.T.Perumal

For R1 to R3 : Mr.K.Mu.Muthu,
Additional Government Pleader.

For R4 : Mr.G.Muthukannan

**ORDER**

The relief as such sought for the in the present Writ Petition is for a direction to direct the respondents to disburse the salary of the writ petitioner and allow him to continue in duty as Manager in the fourth respondent society.

2.First of all, an employee of the Co-operative Society is bound to exhaust the remedy provided under the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act'). A society registered under the Act is not a "State" within the meaning of Article 12 of the Constitution of India. Thus, the employees are bound to exhaust the remedy available at the first instance.

3.This apart, it is brought to the notice of this Court by the learned counsel appearing on behalf of the fourth respondent that the society has already been liquidated and for more than four years, the society is not at all functioning.

4.When the society has already been liquidated and the writ petitioner was allowed to retire from service based on deemed resignation, no such direction as such sought for can be granted. However, in respect of the ground raised in the present Writ Petition, the writ petitioner has to approach the competent authority under the provisions of the Act. However, the Writ Petition cannot be entertained, as an effective alternative remedy is provided under the provisions of the Act.

5.The legal principles in this regard are already settled by the Larger Bench of this Court in the case of **K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another** reported in **2006 (4) CTC 689**.

6.Under these circumstances, the writ petitioner is at liberty to approach the competent authorities for the purpose of redressing his grievances.

7.With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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To

1. The Registrar,
Co-operative Housing Societies,
79-4th Main Road, Gandhi Nagar,
Adayar, Chennai-20.
2. The President,
Tamil Nadu Co-operative Housing Federation,
40, Ritherdon Road, Vepary,
Chennai-7.
3. The Deputy Registrar,
Co-operative Housing Societies,
Singam Building, Tirunelveli-2.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-78421[F] dated
30/07/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-78538[F] dated
30/07/2019)

W.P. (MD) No.17468 of 2014
29.07.2019
(¹/₂)

Myr

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