



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 14010 of 2015

and

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

M. Prema

... Petitioner

-Vs-

1. The Registrar,
Office of the Registrar (Housing),
No. 493, TNHB Complex, 2nd Floor-Annexe,
Nanthanam, Chennai-600 035.
2. The Deputy Registrar,
Office of the Deputy Registrar (Housing),
Virudhunagar Region,
T.T. Road, Mani Nagaram,
Virudhunagar-626 001,
Virudhunagar District.
3. The President,
VNR. HSG 3, Kariapatti Taluk
Cooperative Housing Society,
Kariapatti-626 106,
Virudhunagar District.

4. P. Ramamoorthy

... Respondents

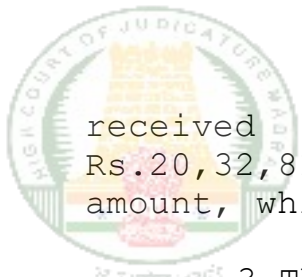
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order dated 17.02.2015 on the file of the respondent No. 3 and quash the same as illegal.

For Petitioner	: Mr. T. Lajapathy Roy
For R1 and R2	: Mr. K. Mu. Muthu, Additional Government Pleader.
For R3 and R4	: Mr. R. Saravanan

ORDER

The notice issued by the President of the Co-operative Society / third respondent in proceeding dated 17.02.2015 is under challenge in the present Writ Petition.

2. The writ petitioner appointed as Attender through District Employment Exchange, subsequently, promoted to the post of Clerk. The impugned notice states that the writ petitioner has



received excess salary from the Society to the tune of Rs.20,32,811/- and further direction is issued to pay the said amount, which was excessively paid to the writ petitioner.

3. This Court is of the considered opinion that the third respondent Co-operative Society registered under the provisions of Tamil Nadu Co-operative Societies Act, 1983, (hereinafter referred to as 'the Act') is not within the meaning of "State" under Article 12 of the Constitution of India. Thus, no Writ Petition can be entertained and in fact, an aggrieved employee of the Co-operative Society is bound to exhaust the statutory remedy under the Act.

4. The learned counsel appearing on behalf of the writ petitioner states that no opportunity was provided to the writ petitioner. However, even such legal ground can be raised in the revision petition contemplated under the Act. The competent authorities under the Act are exercising the quasi judicial powers and therefore, they are empowered to adjudicate the statutory petition as well as the legal ground raised by the aggrieved person in the revision petition, if any filed.

5. The legal principles in this regard, regarding the entertaining of a Writ Petition against the Co-operative Society, are 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**. In view of the legal principles settled by the Larger Bench of this Court, the writ petitioner has to approach the competent authorities under the provisions of the Act by filing a revision petition in prescribed format by paying necessary fee for the purpose of redressing her grievance in the manner known to law.

6. In the event of filing any revision petition, any such competent authorities are bound to adjudicate the petition by conducting an enquiry and by affording opportunity to all the parties concerned by following the proceedings contemplated under the Act as well as the rules in force.

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

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //



To

1.The Registrar,
Office of the Registrar (Housing),
No.493, TNHB Complex, 2nd Floor-Annexe,
Nanthanam, Chennai-600 035.

2.The Deputy Registrar,
Office of the Deputy Registrar (Housing),
Virudhunagar Region, T.T.Road, Mani Nagaram,
Virudhunagar-626 001,
Virudhunagar District.

+1 CC to Mr.R.SARAVANAN, Advocate SR-74845.
+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-75062.
+1 CC to SPL GP SR-75043.

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