



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P[MD]No.19352 of 2015

and

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

R.Gunasekaran

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary Industrial Department,
Secretariat, Chennai.

2.The Managing Director,
National Co-operative Sugarcane Mills Ltd.,
Mattupatti Alanganalur,
Madurai - 625 502.

3.The Director of Sugar,
690, Anna Salai,
Periyar EVR building,
2nd Floor,
Nandanam, Chennai - 600 035.

... Respondents

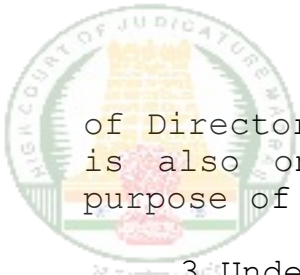
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in No.218/2015/CPAA dated 29.09.2015 on the file of the second respondent and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner	: Mr.V.Raghavachari
For Respondents 1&3	: Mr.S.Dhayalan
	Government Advocate
For Respondent No.2	: Mr.P.Chandra Bose

O R D E R

The order dated 29.09.2015 passed by the Managing Director of the second respondent Sugar Mill is under challenge in the present writ petition.

2.The impugned order is an order of recovery. The learned Counsel appearing on behalf of the second respondent made a submission that the second respondent Cooperative Sugar Mill is a registered Society under the provisions of the Tamil Nadu Cooperative Societies Act, 1983. The second respondent Society is not a State within the meaning of Article 12 of the Constitution of India. The second respondent is not an instrumentality of a State. The elected Board



of Directors are administering the Society and the Managing Director is also one of the Directors deputed by the Government for the purpose of controlling the administration.

3. Under these circumstances, the writ petitioner has to exhaust the statutory remedy provided under the provisions of the Tamil Nadu Cooperative Societies Act. The Act provides that a revision petition be filed before the competent authority under Section 153 of the Act. When an efficacious alternate statutory remedy is available under the Act, no writ petition can be entertained without exhausting the remedy under the Statute. This being the legal principles to be followed, the present writ petition need not be entertained.

4. This apart, certain disputed issues, facts and circumstances has to be adjudicated by verifying the original files and by adducing evidences. Such an exercise cannot be done by a Writ Court. All such exercise should be done by the competent authorities by conducting enquiry by affording opportunity to all the parties concerned. This being the principles to be followed, the writ petitioner is at liberty to approach the competent authorities for the purpose of redressing the grievances of the writ petitioner.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary Industrial Department,
Government of Tamil Nadu,
Secretariat, Chennai.
2. The Managing Director,
National Co-operative Sugarcane Mills Ltd.,
Mattupatti Alanganalur,
Madurai - 625 502.
3. The Director of Sugar,
690, Anna Salai,
Periyar EVR building,
Nandanam, Chennai - 600 035.



+1 CC to MR.P.CHANDRA BOSE, Advocate (SR-78898[F] dated 31/07/2019)

+1 CC to MR.V.RAGHAVACHARI, Advocate (SR-78950[F] dated 31/07/2019)

+1 CC to SPL GP (SR-78965[F] dated 31/07/2019)

W.P[MD]No.19352 of 2015

30.07.2019

MR

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