



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.4912 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

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 Certiorari, calling for the records of the order of the fourth respondent dated 03.11.2014 passed against the petitioner and quash the same.

For Petitioner	: Mr.C.T.Perumal
For R1 to R3	: Mr.K.Mu.Muthu, Additional Government Pleader.
For R4	: Mr.G.Muthukannan

ORDER

The impugned order dated 03.11.2014, relieving the writ petitioner from service by invoking clause in the by-laws

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regarding deemed resignation, is under challenge in the present Writ Petition.

2.The management of the Co-operative Society is not a "State" within the meaning of Article 12 of the Constitution of India nor instrumentality of the State. There is no Government funding in respect of the fourth respondent Co-operative Society. Thus, any order affecting the service rights of the employee of the Co-operative Society must be adjudicated before the competent authority with reference to the original documents and by adducing evidences under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act'). However, this Court cannot adjudicate the disputed issues. All such adjudications are to be done by the competent authorities and the employees are bound to exhaust the remedy provided under the Act. In this regard, an employee is entitled to file a Revision Petition under Section 153 of the Act in the prescribed format by paying necessary fee.

3.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**.

4.In view of the fact that the writ petitioner has not exhausted the statutory remedy provided under the Act, the Writ Petition cannot be entertained. Thus, the writ petitioner is at liberty to approach the competent authorities for redressing his grievances in the manner known to law.

5.With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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 Mr.C.T.PERUMAL, Advocate (SR-78422[F] dated 30/07/2019)

W.P. (MD)No.4912 of 2015
29.07.2019
(2/2)

Myr

AE/ (14.08.2019) 3P 5C