



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) .No.7863 of 2015

and

M.P. (MD) Nos.1, 2 and 3 of 2015

and

WMP. (MD) No.13631 of 2016

P.Subramani
Secretary (Under Suspension),
R-240, K.N.Pudur Primary Agricultural
Co-operative Credit Society,
N.Pudur, Nanniyoor Post, Karur District. ... Petitioner

-Vs-

- 1.The Registrar of Co-operative Societies,
170, E.V.R. High Road,
Kelpauk, Chennai.
- 2.The Joint Registrar of Co-operative Societies,
Collectorate, Thanthunimalai,
Karur District.
- 3.The President,
R-240, K.N.Pudur Primary Agricultural
Co-operative Society,
N.Pudur, Nanniyoor Post,
Karur District.
- 4.The Enquiry Officer,
R-240, K.N.Pudur Primary Agricultural
Co-operative Credit Society,
N.Pudur, Nanniyoor Post,
Karur District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned enquiry report issued by the 4th respondent in his proceedings no.nil, dated 17.10.2014 served to the petitioner on 30.04.2015 and the consequential show cause notice issued by the 3rd respondent in his proceedings No.nil, dated 29.04.2015 and quash the same as illegal.



For Petitioner

: Mr.C.Venkateshkumar
for M/s.Ajmal Associates

For Respondents

: Mr.M.Jeyakumar
Additional Government Pleader

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ORDER

The enquiry report, dated 30.04.2015, submitted by the Domestic Enquiry Officer as well as the consequential second show cause notice issued by the third respondent, in proceeding, dated 29.04.2015, are under challenge in the present writ petition.

2.The writ petitioner was holding the post of the Secretary of the third respondent/K.N.Pudur Primary Agricultural Co-operative Credit Societies. On account of certain allegations, the disciplinary proceedings were initiated against the petitioner by the Management of the Co-operative Societies. An Enquiry Officer was appointed and the Domestic Enquiry Officer conducted an enquiry and submitted a report on 17.10.2014. The said enquiry as well as consequential second show cause notice issued by the third respondent, are under challenge in the present writ petition.

3.The Co-operative Society which is not funded by the State and registered under the provisions of the Tamil Nadu Co-operative Societies Act is not a State within in the meaning of Article 12 of the Constitution of India, a writ petition cannot be entertained, in view of the legal principles settled by the Larger Bench of this Court in the case of ***K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal*** reported in ***2006 4 CTC 689***. It is not as if, the writ petitioner has no other alternative remedy. An effective alternate remedy is provided under the Co-operative Societies Act itself. This apart, no writ petition can be entertained against a second show cause notice and the enquiry report. The writ petitioner has to submit his objections/explanations and the second show cause notice and only after the final order, he can approach the competent appellate authority for the redressal of his grievances. This apart, even if the petitioner, is of an opinion that the enquiry report, is illegal, then also he can approach the competent revisional authority under Section 153 of the Tamil Nadu Co-operative Societies Act. Revisional Authority is also exercising the quasi judicial powers. Thus, the revisional authority under Section 153 of the Tamil Nadu Co-operative Societies Act is empowered to adjudicate both the factual aspects as well as the legal grounds, if any, raised by the writ petitioner. An effective alternative remedy is contemplated under the provisions of the Act itself. No writ petition can be entertained without exhausting the alternative remedy available. This being the State of the Apex Court of India, the writ petitioner is bound to exhaust the remedy before



approaching this High Court. Under these circumstances, the writ petitioner is at liberty to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act by filing the revision petition in a prescribed format and paying the prescribed fees.

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4. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

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Karur District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-84443[F] dated
30/08/2019)

W.P. (MD) .No.7863 of 2015
29.08.2019

sjj
JM/23.09.2019/3P/6C