



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P (MD) No. 10216 of 2011

and M.P. (MD) No.1 of 2011

T. Ganesan

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Thoothukudi Region, Thoothukudi.

2. The Special Officer,
0.1020 Tuticorin Cooperative Stores Limited,
No.3, Links Street, Chidampara Nagar,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorified Mandamus, calling for the records pertaining the proceedings of the 2nd respondent, dated 22.07.2011 and quash the same consequently, directing the 2nd respondent to reinstate the petitioner.

For Petitioner	: Mr.S. M. Mohan Gandhi
For Respondents	: Mr.D. Muruganantham Additional Government Pleader

O R D E R

The order impugned dated 22.07.2011 was issued by the Special officer of the 2nd respondent namely, Tuticorin Co-operative Stores Limited. The 2nd respondent is a co-operative society which was registered under the Tamilnadu Cooperative Societies Act. Thus, it does not come within a meaning of Article 226 of the Constitution of India. The employees of the cooperative societies are bound to exhaust the remedies under the provisions of the Co-operative Societies Act. Without exhausting the remedy, now the writ petition can not be entertained under article 226 of Constitution of India. The legal principles in this regard are settled by the Larger Bench of this Court in the case of **Marappan Vs. Deputy Registrar, reported in 2006(4) CTC 689**. Thus the writ petitioner has to approach the competent authority under the provisions of the Act for the purpose of redressal of his grievances. Under these circumstances, the petitioner is at liberty to exhaust the remedy and thereafter approach the appropriate forum.



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2. With the above observations, the writ petition is dismissed as not maintainable. No Costs. Consequently, connected Miscellaneous Petition is closed.

sd/
Assistant Registrar(crl. side)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Registrar of Co-operative Societies,
Thoothukudi Region, Thoothukudi.
2. The Special Officer,
0.1020 Tuticorin Cooperative Stores Limited,
No.3, Links Street, Chidampara Nagar,
Thoothukudi.

+1 CC to SPL GP (SR-67060[F] dated 06/06/2019)
+1 CC to Mr.S.M.MOHAN GANDHI, Advocate (SR-67203[F] dated
06/06/2019)

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04.06.2019

ksa/aav

MK (17.06.2019) 2P 5C