

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.9378 of 2020 & W.M.P.No.11461 of 2020

N.Ravi

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies, Revisional Authority Erode Region, Erode, Erode District.

2.The President, A.A.713, Kodumudi Primary Agricultural Cooperative Credit Society Ltd., Kodumudi-638 151 Kodumudi, Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of a Writ of Mandamus directing the first respondent to take appropriate action against the 2nd respondent as per under section 157 of Tamil Nadu Cooperative Societies Act for disobedience of the statutory authorities order in his proceedings No.I.A.No.1/2020 in Revision Petition No.Na.Ka.No.2126/2020/Sa.Pa dated 30.04.2020.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmugasundaram

Additional Government Pleader-for R1

Mr.K.Rajendran - for R2

O R D E R

The matter is taken up through web hearing.

2. The present writ petition has been filed seeking to implement the interim order passed the first respondent granting stay of the order passed by the second respondent in the revision proceedings under Section 157 of the Tamil Nadu Cooperative Societies Act.

3. According to the petitioner, while he was working as Senior Clerk under the second respondent society, he was issued with a charge memorandum for certain irregularities and an enquiry was initiated in pursuance of the charge memorandum. On conclusion of the enquiry, the second respondent finding the petitioner guilty of the charge, reverted him to the post of sales man on 17.3.2020. as against the order of the second respondent, he moved the revision petition before the first respondent under Section 157 of the Tamilnadu Cooperative Societies Act, along with an interlocutory application for stay. The first respondent after consideration, has passed an order on 30.04.2020 in the said I.A., granting stay of the order passed by the second respondent.

4. The learned counsel for the petitioner would submit that although there is an interim order in favour of the petitioner on 30.04.2020 itself, the same has not been given effect to. Therefore, he is now before this court seeking for a direction as aforementioned. In effect, what the petitioner is seeking before this court is, an execution of the order passed by first respondent dated 30.04.2020.

5. This court is unable to appreciate as to how a Constitutional Court exercising jurisdiction under Article 226 of Constitution of India,, can be approached with such a prayer as if the Court has to execute the order passed by the Joint Registrar Of Cooperative Societies. Jurisdiction under Article 226 of the Constitution of India is not available for execution of the order passed by any authority of the Government and in case the order is not implemented, it is always open to the petitioner to work out his remedy in a manner known to law. Certainly it is not open to the petitioner to belittle the status of the Constitutional Court and to convert this court as an execution court for execution of an order passed by the authority under the provisions of the Cooperative Societies Act. In any event nothing precludes the petitioner from approaching the first respondent for necessary action in this regard, in pursuance of the order passed by the second respondent. It is always open to the petitioner to move the authority for early disposal of the revision petition itself. However, it is completely misconceived and unacceptable that a writ petition with such prayer as is framed is maintainable before this Court.

6. Hence, the writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is also dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Joint Registrar of Cooperative
Societies, Revisional Authority
Erode Region, Erode, Erode District.

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr24949

W.P.No.9378 of 2020

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