



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.10014 of 2014

T.V.Perumal

... Petitioner

-Vs-

1.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
No.170, Periyar E.V.R.High Road,
Kilpauk, Chennai.

2.The Deputy Registrar of Co-operative Societies,
Palani Circle, Palani,
Dindigul District.

3.Kaliammal

4.M.Shanmuganathan

5.R.Shanmugavelu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to suspend the respondents 4 and 5 and initiate appropriate action against the respondents 4 and 5 under section 76 (3) of Tamilnadu Co-operative Societies Act, 1983 within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For R1 and R2 : Mr.S.Dhayalan
Government Advocate

For R3 to R5 : Mr.V.O.S.Kalaiselvam

ORDER

The relief sought for in the present writ petition is for a direction to direct the second respondent to suspend the respondents 4 and 5 and initiate appropriate action against the respondents 4 and 5 under section 76 (3) of Tamil Nadu Co-operative Societies Act, 1983.



2.The writ petitioner claims that he was the Ex-President of D.D.568, V.Ammappatti, Primary Agriculture Co-operative Credit Society. It is further stated that at the time of filing writ petition, the petitioner was working as a Director in the same society. Against certain alleged irregularities committed by the respondents 4 and 5, the writ petitioner has taken action by submitting representations to the respondents 1 and 2. In view of the fact that no action has been initiated, the present writ petition is filed.

3.This Court is of the considered opinion that the Co-operative Societies which is not funded by the State Government is not a "State" under Article 12 of the Constitution of India. This apart, aggrieved persons are entitled to approach the competent authorities under the Act itself. Exhausting the statutory remedy available under the Act is mandated. Only on certain exceptional circumstances, Courts are empowered to dispense with the statutory remedy available. Filing an appeal under the statute is the rule and dispensing with the appeal remedy is an exception. The High Court need not dispense with the appeal remedy. In all circumstances, only on certain exceptional circumstances, wherein, urgent remedy is required. Then, alone filing of statutory appeals can be dispensed with and not otherwise. In the present case, the petitioner claims that he was the Ex-President of the Co-operative Credit Society. Co-operative Societies Act provides remedy for redressing the grievances.

4.Under these circumstances, the writ petitioner is at liberty to approach the competent authorities by filing proper application under the provisions of the Act for initiation of action. In the event of submitting any such proper appeal/application, the authorities competent are bound to conduct enquiry and initiate appropriate action.

5.With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar(CS)

sjj

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
No.170, Periyar E.V.R.High Road,
Kilpauk, Chennai.

2.The Deputy Registrar of Co-operative Societies,
Palani Circle, Palani,
Dindigul District.

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-19289[F] dated 07/10/2020)

+1 CC to SPL GP (SR-19337[F] dated 07/10/2020)

+1 CC to Mr.V.O.S. KALAISELVAM, Advocate (SR-19471[F] dated 08/10/2020)

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06.10.2020

VB (14.10.2020) 3P 6C