



WEB COPY

W.P.(MD).No.12626 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.12626 of 2014

and

WMP (MD) No.2504 of 2017

R.Sundarajan

... Petitioner

-Vs-

1.The Registrar of Co-operative Societies,
N V Natarajan Maaligai,
170 Periyar EVR High Road,
Kilpauk, Chennai-600 010.

2.The Deputy Registrar of Co-operative Societies,
Cheranmahadevi, Ambasamuthram Taluk,
Tirunelveli District.

3.The President, E.E. 420, Sivasubramanianpuram,
Primary Agriculture Co-operative Debt Society,
Sivasubramanianpuram,
Radhapuram Taluk, Tirunelveli District.

4.The President,
E.E.440, Kasthuriengapuram
Primary Agriculture Co-operative Debit Society,
Kasthuriengapuram,
Radhapuram Taluk, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the proceeding of the third respondent in Na.Ka.No.1/2011 Pa.Tho., dated 03.03.2014 pertaining to intiation of internal enquiry and to quash the same as illegal.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.S.Dhayalan
(R1 & R4) Government Advocate

ORDER

The letter, dated 03.03.2014, issued by the President of the third respondent Co-operative Society, is under challenge in the present writ petition. The impugned notice states that the petitioner is directed to appear before the Enquiry Officer and

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



defend his case with reference to the disciplinary proceedings initiated against the writ petitioner.

2. Entertaining a writ petition against such notice itself is not preferable. No writ petition can be entertained against such notice, providing an opportunity to the delinquent officials to defend his case before the Enquiry Officer.

3. The learned counsel appearing on behalf of the writ petitioner states that the fourth respondent has got jurisdiction and challenging the point of jurisdiction, the writ petition is filed. If at all there is any lack of jurisdiction, that is to be adjudicated before the competent authority and no writ petition can be entertained against the Co-operative Society.

4. The respondents 3 and 4 are the Co-operative Societies registered under the provisions of the Tamil Nadu Co-operative Societies Act. The respondents 3 and 4 are not a "State" within the meaning of Article 12 of the Constitution of India. Thus, with reference to the grievances, the employees are bound to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act. More specifically, Section 153 of the Act provides revision to be filed before the authorities concerned. The competent authority under the Act is empowered to decide both the question of fact as well as the question of law involved. Therefore, the apprehension of the petitioner raised is unsustainable. The jurisdiction point also can be raised before the revisional authority. The Larger Bench of Madras High Court in the case of **K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal** reported in **2006 4 CTC 689** held that no writ petition can be entertained against the Co-operative Society which is not a "State" and further emphasised that the aggrieved employees are bound to approach the competent authority under the Act itself.

5. This being the principles to be followed, the writ petitioner is bound to approach the competent authority for the purpose of redressal of his grievances in the manner known to law prescribed under the Act. Thus, the writ petition is not entertainable and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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+1 CC to M/s.GP (SR-21012[F] dated 03/11/2020)

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TR(10.11.2020) 3P 6C