



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)Nos.9141 & 9142 of 2014

and

M.P. (MD)Nos.1,1, 2 &2 of 2014

WEB COPY

- K.Pandi ... Petitioner in both W.Ps.
Vs.
- 1.The Joint Registrar of Co-operative Societies,
Ramanathapuram Region,
Treasury Building,
Collectorate,
Ramanathapuram.
- 2.The President,
Paramakudi Co-operative Urban Bank Ltd.,
2/378, M.S.Agraharam, Paramakudi,
Ramanathapuram District. ... Respondents in both W.Ps.
- 3.S.Pandi,
Manager,
Paramakudi Co-operative Urban Bank Ltd.,
2/378, M.S.Agraharam, Paramakudi,
Ramanathapuram District. ... 3rd Respondent
in W.P. (MD)No.9141 of 2014
- 4.P.Velusamy
Manager,
Paramakudi Co-operative Urban Bank Ltd.,
2/378, M.S.Agraharam, Paramakudi,
Ramanathapuram District ... 3rd Respondent
in W.P. (MD)No.9142 of 2020

Prayer in W.P. (MD)No.9141 of 2014: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to impugned order dated 25.04.2014 passed by the second respondent promoting the third respondent as Manager and quash the same as illegal.

Prayer in W.P. (MD)No.9142 of 2014: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to impugned order dated 26.04.2014 passed by the second respondent promoting the third respondent as Manager and quash the same as illegal.

For Petitioner : Mr.M.Jerin Mathew



For Respondents : Mr.D.Muruganantham
(in both W.Ps.) AGP for RR1 & R2

: Mr.S.Seenivasagam for R3 in both Wps

COMMON ORDER

The orders impugned dated 25.04.2014 and 26.04.2014 are passed by the second respondent / President of the Paramakudi Co-operative Urban Bank Limited.

2.The elected President passed the orders. Thus, the petitioner is bound to exhaust the statutory remedy provided under the Tamil Nadu Co-operative Societies Act. The Writ Petition is not entertainable against an order passed by the Management of the Co-operative Society registered under the Provisions of the Tamil Nadu Co-operative Societies Act. The Co-operative Society not funded by the State Government or Government Corporations is not a "State" within the meaning of Article 12 of the Constitution of India. Thus, the employees of such Corporation Institutions are bound to exhaust the statutory remedy provided under the Act. The legal principle in this regard is settled by a larger Bench of this Court in the case of **Marappan Vs. Deputy Registrar, Co-operative Society** reported in (2006) 4 CTC 689.

3.In view of the said principles stated, the petitioner has to approach the competent authority more specifically under Section 153 of the Co-operative Societies Act. Thus, the petitioner is at liberty to approach the authorities by filing writ petition in a proper format and by paying the fees prescribed.

4.With this observations, the Writ Petitions are not maintainable and accordingly, the Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

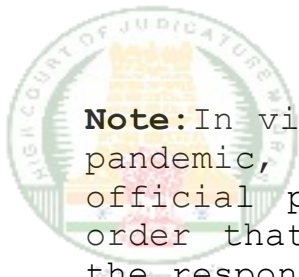
Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

The Joint Registrar of Co-operative Societies,
Ramanathapuram Region,
Treasury Building,
Collectorate,
Ramanathapuram.

+2 CC to Mr.S.SEENIVASAGAM, Advocate (SR-21407,21406[F]
dated 06/11/2020)

+1 CC to SGP (SR-21449[F] dated 06/11/2020)

W.P. (MD) Nos. 9141 & 9142 of 2014
and
M.P. (MD) Nos. 1, 1, 2 & 2 of 2014
04.11.2020

ARK(CO)

KM (11.11.2020) 3P 5C