



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.4560 of 2015

P.Balasubramanian

... Petitioner

Vs.

1. The President,
0.883 Madura Coats Employees and
Public Service Co-operative Housing Society Ltd.,
Amabasamudram,
Tirunelveli District.

2. The Deputy Registrar of Co-operative Societies,
Tirunelveli. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the proceedings of the respondent herein dated Nil, in proceeding to No.Nil pertaining to rejection of the petitioner request to regularize his service and to quash the same as illegal and further direct the respondent to regularize the petitioner in service by considering the present available vacancy.

For Petitioner : Mr.K.R.Laxman
For Respondents : Mr.D.Muruganandham
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the order Nil dated, passed by the President of the Madura Coats Employees and Public Service Co-operative Housing Society Limited. The writ petitioner is an employee of the respondent/Madura Coats Employees and Public Service Co-operative Housing Society Ltd.

2. Co-operative Society is not a State within the meaning of the Article 12 of the Constitution of India. A writ against Co-operative Society can be entertained if such a Co-operative Society is funded by the Government or an instrumentality of the State. All other Co-operative Societies registered under the provisions of the Tamil Nadu Co-operative Societies Act,1983 and not funded by the Government cannot be construed as a State and therefore, the petitioner has to exhaust the remedy provided under the provisions of the Tamil Nadu Co-operative Societies Act itself. The entertainability of the writ petition itself was decided by the Larger Bench of this Court in the case of ***K.Marappan vs. Deputy Registrar of Co-operative Society***, reported in ***2006 (4) CTC 689***.



3. Thus, the petitioner has to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act, more specifically, under Section 153 of the Act.

4. In this view of the matter, the petitioner is at liberty to approach the competent authority by filing a statute revision petition in order to redress his grievances by following the procedures contemplated and by paying the fees prescribed.

5. With these observations, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn

To

1. The President,
0.883 Madura Coats Employees and
Public Service Co-operative Housing Society Ltd.,
Amabasamudram,
Tirunelveli District.

2. The Deputy Registrar of Co-operative Societies,
Tirunelveli.

W.P. (MD)No.4560 of 2015
24.11.2020

MR (CO)
KB (04.12.2020) 2P 3C