



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.878 of 2015

M.Manimohan

... Petitioner

-Vs-

1.The Joint Registrar of Co-operative Societies,
Collectorate Buildings,
Theni District.

2.DD.127, Gudalur Farmers Service
Co-operative Credit Society Ltd.,
Andipatti Taluk, Theni District 625 579 ... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order of the first respondent in Na.Ka.No.2482/2014 Nu.Ku.(4) dated 13.08.2014 and quash the same.

For Petitioner	: Mr.V.O.S.Kalaiselvam
For Respondents	: Mr.P.Mahendran
	Additional Government Pleader
	for R1
	Mr.S.Kumar, for R2

ORDER

The impugned order is nothing but a communication given to the writ petitioner with reference to the mercy petition submitted by him before the District Collector. The said reply given by the Joint Registrar of Co-operative Societies cannot be construed as an order passed on merits and under the Statute. However, the reply given by the Joint Registrar reveals that the father of the writ petitioner was a temporary employee and his services were not even regularised.

2.The father of the writ petitioner Late.K.Murugan was employed as Packer and Salesman in the second respondent Co-operative society. The second respondent Co-operative society is not a 'State' within the meaning of Article 22 of the Constitution of India. Thus, the petitioner cannot move a writ petition. However, the reply was given by the Joint Registrar and therefore, the learned counsel for the petitioner reiterated the writ petition



can be entertained. But, the petitioner has to exhaust the statutory remedy provided under Section 153 of the Tamil Nadu Co-operative Societies Act.

3.The fact remains that the father of the writ petitioner died on 08.09.2009. The petition for compassionate appointment was filed in the year 2011. However, the learned counsel for the petitioner states that the services of the deceased employee was confirmed. These disputed facts cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Such disputed facts are to be adjudicated by scrutinizing the original documents and evidences available with the Co-operative Societies. Such an adjudication is to be done by the competent authority by the parties concerned.

4.In this view of the matter, the petitioner is at liberty to approach the competent revisional authority under Section 153 of the Co-operative Societies Act for the purpose of redressing his grievances. With this liberty, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

The Joint Registrar of Co-operative Societies,
Collectorate Buildings,
Theni District.

+1 CC to Mr.V.O.S.KALAISELVAM, Advocate (SR-24157[F] dated 07/12/2020)

+1 CC to SPL GP (SR-24368[F] dated 08/12/2020)

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