



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.03.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Writ Petition (MD)No.6874 of 2017**

K.Jeyachandran

... Petitioner

Vs.

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

2.DD 592 V.Gurumpapath  
Primary Agricultural Co-operative Credit Society  
through its President,  
Dindigul. ... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to implement the order of the Joint Registrar in Na.Ka.No.135/2013 sa.pa. dated 28.09.2016 to number the execution petition filed by the petitioner, dated 18.03.2017 and consequentially to pass further orders within the time limit fixed by this Court.

|                 |                   |
|-----------------|-------------------|
| For Petitioner  | : Mr.R.Saravanan  |
| For Respondents | : Mr.C.Ramar, AGP |

**O R D E R**

This writ petition has been filed for issuance of a Writ of Mandamus directing the first respondent to implement the order of the Joint Registrar in Na.Ka.No.135/2013 sa.pa. dated 28.09.2016 to number the execution petition filed by the petitioner, dated 18.03.2017 and consequentially to pass further orders within the time limit fixed by this Court.

2. The case of the petitioner is that the petitioner was appointed as Salesman in the year 1978 and promoted as Clerk and subsequently as an Assistant Secretary, on 01.7.1990. He was in service till 10.04.2004. Thereafter, the Joint Registrar of Co-operative Societies, Dindigul passed an order on 28.09.2016, directing the second respondent to pay the petitioner's basic pay, in terms of G.O.No.2(D) No.68, Co-operation Food and Consumer Protection Department, dated 12.11.1993. However, till date no order was passed. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that already the petitioner has filed an Execution Petition



before the Joint Registrar of Co-operative Societies and the same is not yet numbered. Therefore, this Court may issue a direction to the first respondent to implement the order of the Joint Registrar, within a reasonable time as fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents would submit that though the remedy is available before the Joint Registrar of Co-operative Societies by way of Execution Petition, without exhausting the remedy available before the Joint Registrar to pass an order, filing the present writ petition under Article 226 of the Constitution of India is not maintainable. Hence, he prayed for dismissal.

5. The facts in the present case are not in dispute. Admittedly, the petitioner has filed a revision petition before the Joint Registrar of Co-operative Societies under Section 153 of the Tamil Nadu Co-operative Societies Act, for fixation of his basic pay, in terms of G.O.No.2(D) No.68, Co-operation Food and Consumer Protection Department, dated 12.11.1993 and the Joint Registrar has also passed an order in favour of the petitioner, on 28.09.2016. Further, it is also not in dispute that the remedy available to the petitioner is only before the Joint Registrar by filing execution petition. Accordingly, the petitioner has filed an Execution Petition before the Joint Registrar of Co-operative Societies. However, even according to the petitioner, the same has not been numbered. However, the non-numbering of the petition would not be a ground for filing the writ petition with the aforesaid prayer. Mandamus can be issued only if the authority has not exercised his statutory function. In the present case, the remedy available to the petitioner is only to file an Execution Petition before the Joint Registrar of Co-operative Societies.

6. In such a backdrop, this writ petition is dismissed with a direction to the Joint Registrar of Co-operative Societies to number the execution petition, if any filed, and pass orders on the same in accordance with law as expeditiously as possible. It is also open to the petitioner to file execution petition before the Joint Registrar, if not already filed and work out his remedies in accordance with law u/s 153 & 154 of the Co-operative societies Act.

7. This writ petition is dismissed with the aforesaid direction. No costs.

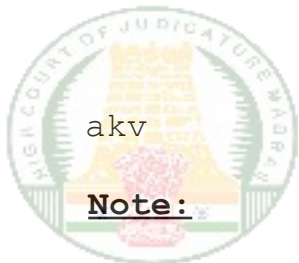
Sd/-

Assistant Registrar (CSII)

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/ /2021

Sub Assistant Registrar (CS)



**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.

To

- 1.The Deputy Registrar of Co-operative Societies,  
Dindigul Circle,  
Dindigul District.
- 2.The President,  
DD 592 V.Gurumpapath  
Primary Agricultural Co-operative Credit Society  
Dindigul.
3. The Joint Registrar of Co-operative Societies,  
Dindigul

+1 CC to M/s.R.SARAVANAN, Advocate ( SR-11786[F] dated 17/03/2021 )

+1 CC to M/s.SPL GP ( SR-12266[F] dated 18/03/2021 )

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**KB(24.06.2021) 3P 6C**