



WEB COPY

W.P.Nos. 35711 & 35712 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos. 35711 & 35712 of 2016

C.S. Ravikumar

... Petitioner in
W.P.Nos. 35711 of 2016

V.R. Manickam

... Petitioner in
W.P.Nos. 35712 of 2016

Vs.

1. The Registrar of Cooperative Societies,
Chennai – 600010.
2. The Director of Cooperative Audits,
Chennai.
3. The Joint Registrar of Cooperative Societies,
Karur Circle, Karur.
4. The R.378 Karur Agricultural Producers Cooperative
Marketing Society Ltd.,
Represented by its Special Officer,
No. 145, Jawahar Bazaar,
Karur.

Respondents 3 and 4 are impleaded
by order dated 01.11.2022 in
W.M.P.Nos. 31933 & 31934 of 2016
By SMSJ

... Respondents



Prayer in W.P.Nos. 35711 & 35712 of 2016: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the representation dated 22.03.2016 of the petitioner, regarding dropping of further action to recover the excess dearness allowances, of Rs. 2,44,455/- and Rs.1,52,540/-, paid to the petitioners by taking into account of total sum of Rs. 89,51,742.55/- paid from the year 2000-01 to 2008-09 to the salesmen towards dearness allowances, ordered to be brought to current account and allotment released by the Registrar and Director of Cooperative Audit as intimated by Management of the society dated 23.11.2011.

For Petitioners in both WPs	: Mr. R.P. Murugan Raja Government Advocate for R1 to R3
For Respondents in both WPs	: Mr. A. Rajaperumal for Mr. L.P. Shanmugasundaram for R4

COMMON ORDER

The relief sought for in the present writ petitions is to direct the first respondent/Registrar of Cooperative Societies to consider the representation dated 22.03.2016 submitted by the writ petitioner for dropping of further action to recover the excess dearness allowances of Rs. 2,44,455/- and Rs.1,52,540/-, paid to the petitioners by taking into account of total sum of Rs. 89,51,742.55 paid from the year 2000-2001 to 2008 to 2009 to the salesmen towards dearness allowances ordered to be brought to Current



account and allotment released by the registrar and Director of Co-operative Audit as intimated by the management of the society dated 23.11.2011.

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2. The petitioners state that they are working as Salesman in Karur Agricultural Producers Cooperative Marketing Society Ltd, which is a cooperative society registered under the provisions of Tamil Nadu Cooperative Societies Act, 1983. The said society is not funded by the Government and therefore, not a State within the meaning of Article 12 of the Constitution of India and therefore no writ is maintainable against the co-operative society.

3. In order to maintain the present writ petitions, the petitioners have simply submitted a representation to the Registrar of Cooperative Societies and filed writ petitions seeking a prayer to consider the representation. Such a relief sought for in the writ petitions is absolutely misconceived.

4. Presently, regarding the recovery of dearness allowance, the management of the Karur Agricultural Producers Cooperative Marketing Society Ltd has not passed any final order. In fact, a notice was issued to the writ petitioners on 11.03.2013. The writ petitioners have submitted their



explanations, responding to the notices and thereafter the management of the cooperative societies has to consider and pass final orders. If at all any order, effecting the final order of recovery has been passed, thereafter the petitioner has to approach the revisional authority under Section 153 of the Tamil Nadu Cooperative Societies Act and therefore the present writ petition filed to dispose of the representation would not serve any purpose and in the absence of any final orders in respect of recovery, this court cannot direct the first respondent/Registrar of cooperative societies, to decide the matter, since the Registrar is only a controlling authority under the provisions of the Act and the management of the cooperative society has to decide the issues on merits and in accordance with law. This being the procedures contemplated, the writ petitions are not entertainable and the petitioners have to approach the management for the purpose of passing final orders in the matter of recovery of dearness allowance.

5. With these observations, the writ petitions stand dismissed. No costs.

01.11.2022

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Index : Yes / No

Speaking order / Non-Speaking order



To

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S.M.SUBRAMANIAM, J.

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