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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 23691 of 2021

and

W.M.P.No.24939 of 2022

S.Thangavel

..Petitioner

Vs.

1. The Registrar of Co-Operatives Societies,
Kilpauk
Chennai-600010.
2. The Additional Registrar/ Managing Director
of Co-Operatives Societies,
Salem District Central Cooperative Bank,
Salem.
3. The Assistant Registrar of Co-Operatives Societies,
Sankari,
Salem District.
4. S.No.1504, Mothaiyanur Primary Agriculture
Co-Operative Society Bank Ltd,
Rep. by its President,
Mothaiyanur Post, Sankari Taluk,
Salem-637303.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the fourth respondent dated 13.10.2021 and quash the same, consequently direct the respondents to complete the enquiry.

For Petitioner : Mr.A.Saravanan

For Respondent : Mrs.S.Anitha, Special Govt Pleader,
for R1 to R3



ORDER

The writ petition has been filed before this Court challenging the order of removal from service dated 13.10.2021 passed by the 4th respondent/Society. The contention of the learned counsel for the petitioner is that the 4th respondent without conducting any domestic enquiry and without considering the explanation and other materials produced by the petitioner, has passed the impugned order without any valid reason.

2 The learned Special Government Pleader submits that writ petition filed against the Co-operative Society is not maintainable in the light of the larger bench judgment of this Court in K.MARAPPAN VS. DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETY, NAMAKKAL reported in 2006 (4) CTC 689. The learned Special Government Pleader has further submitted that the writ petitioner without exhausting remedy before the appellate authority, has approached this Court, therefore the writ petition is liable to be dismissed on this ground also.

3 In view of the above, the writ petition is dismissed as maintainable. However, liberty is granted to the petitioner to approach the competent authority under Section 90 of the Tamilnadu Cooperative Societies Act within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar of Co-Operatives Societies,
Kilpauk
Chennai-600010.
2. The Additional Registrar/ Managing Director
of Co-Operatives Societies,
Salem District Central Cooperative Bank,
Salem.



3. The Assistant Registrar of Co-Operatives Societies,
Sankari,
Salem District.

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4. The President,
S.No.1504, Mothaiyanur Primary Agriculture
Co-Operative Society Bank Ltd,
Mothaiyanur Post, Sankari Taluk,
Salem-637303.

+1cc to Mr.A.Saravanan, Advocate, S.R.No.19274

+1cc to the Government Pleader, S.R.No.19530

W.P.No. 23691 of 2021
and

W.M.P.No.24939 of 2022

RR[co]
NSK 08/04/2022