



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.3389 of 2021

and

W.M.P (MD)No.2751 of 2021

WEB COPY

D.S.Ramachandran

... Petitioner

Vs.

1.The Deputy Registrar of Cooperative Societies
Office of the Deputy Registrar of Cooperative Societies
Srivilliputhur
Virudhunagar District.

2.The Management
SP.SPL 74 Muthusampyram Primary
Agricultural Cooperative Credit Society Ltd.,
@ Mulliseval, Sathur Taluk
Virudhunagar District.

... Respondents

(R2 impleaded vide order of this Court
dated 08.03.2022 in WMP No.4776/2021)

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order issued by the respondent in his proceedings in Thanda Nadavadikai No.04/19-20 in Na.Ka.5780/2019/Saba dated 12.08.2020 quash the same as illegal.

For Petitioner	: Mr.S.M.Mohan Gandhi
For Respondents	: Mr.M.Ramesh for R1 Government Advocate Mr.M.Ganesh for R2

ORDER

The final order of surcharge issued under Section 87 of the Cooperative Societies Act (hereinafter referred to as 'the Act') is under challenge in the present writ petition.

2.The petitioner was working as a Secretary of Muthusampyram Primary Agricultural Cooperative Society and retired from service on 31.03.2018. Surcharge proceedings were initiated against the writ petitioner under Section 87 of the Act and a final order was passed by the Deputy Registrar of Cooperative Societies in Order dated 12.08.2020.

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3.The preliminary issue regarding the maintainability of the writ petition is to be considered as Section 152 of the Act contemplates an appeal against the surcharge order and accordingly, the petitioner has to approach the jurisdictional Principal District Judge/Special Tribunal for cooperative cases for the purpose of adjudication of the issues, which are all disputed between the Society and the employee. When the judicial forum is contemplated as an appellate forum under the provisions of the said Act, no writ can be entertained by this Court under Article 226 of the Constitution of India. Pursuant to Section 152 of the Act, the respective learned Principal District Judges were notified as special Tribunal for cooperative cases and therefore, the aggrieved persons are bound to prefer an appeal before the Tribunal for redressal of their grievances. It is a judicial forum, which is designated and therefore, the remedy is very efficacious. Thus, the petitioner has to exhaust the statutory remedy by approaching the jurisdictional tribunal to redress his grievance. With reference to merits, this Court is not inclined to consider, as the petitioner is at liberty to approach the Tribunal in the manner known to law.

4. With these observations, this writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

The Deputy Registrar of Cooperative Societies
Office of the Deputy Registrar of Cooperative Societies
Srivilliputhur
Virudhunagar District.

+1 CC to M/s.M.GANESAN, Advocate (SR-10856[F] dated 09/03/2022)

+1 CC to M/s.SPL.GP (SR-10967[F] dated 09/03/2022

W.P. (MD)No.3389 of 2021

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SP(CO)

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