



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.02.2022
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.11109 of 2021 and
W.M.P.(MD).No.8726 of 2021

T.Rajan

... Petitioner

Vs.

1.Secretary to Government,
Co-operative Food and Consumer,
Protection Department, Secretariat,
Chennai.

2.Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
170, E.V.R.Nedumsalai, Keelpakkam,
Chennai-600 010.

3.The Joint Registrar of Co-operative Societies,
Kanyakumari Region,
Collector Office New Building, 2nd Floor,
Nagercoil,
Kanyakumari District.

4.Y-73, Kurumathoor Primary Agricultural
Co-operative Credit Society,
Kuzhithurai Post,
Kanyakumari District-629 163,
Rep.by the President.

5.P.Saraswathi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondent Nos.1 to 4 to relieve the 5th respondent from the post of Secretary-in-Charge of Y-73, Kurumathoor Primary Agricultural Co-operative Credit Society, Kanyakumari District and hand over full charge of the Society to the petitioner.

For Petitioner :

Mr.S.Titus

For Respondent :

Mr.P.Thilak Kumar,

Additional Government Pleader

assisted by Mr.M.Ramesh,

Government Advocate for RR1 to 3

Mr.V.H.S.Prathap for RR4 & 5



O R D E R

The relief sought for in the present Writ Petition is to direct the respondent Nos.1 to 4 to relieve the 5th respondent from the post of Secretary-in-Charge of Y-73, Kurumathoor Primary Agricultural Co-operative Credit Society, Kanyakumari District and hand over full charge of the Society to the petitioner.

2. Admittedly, the petitioner was working as Assistant Secretary of Anducode Primary Agricultural Co-operative Credit Society which is a registered Society under the provisions of the Tamil Nadu Co-operative Societies Act. The Co-operative Society which is not funded by the Government is not a State within the meaning of Article 12 of the Constitution of India. Thus, no writ needs to be entertained, in view of the principles laid down by the Larger Bench of the High Court of Madras in the case of **K.Marappan vs. The Deputy Registrar of Co-operative Societies, reported in 2006 4 (CTC) 689**. Therefore, the petitioner has to exhaust the remedy contemplated under the provisions of the Act in the manner known to law. The petitioner is at liberty to do so in the prescribed format.

3. With this liberty, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar (CS)

ssb

To

1. Secretary to Government,
Co-operative Food and Consumer,
Protection Department, Secretariat,
Chennai.
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170, E.V.R.Nedumsalai, Keelpakkam,
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4.Y-73, Kurumathoor Primary Agricultural
Co-operative Credit Society,
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Rep.by the President

+1 CC to M/s.SPL GP (SR-7529[F] dated 21/02/2022)

W.P. (MD) No.11109 of 2021

18.02.2022

SMV (CO)

KB(03.03.2022) 3P 6C