



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.9393 of 2019

and

WMP(MD)No.772 of 2021

and

WMP(MD)Nos.7404 and 7406 of 2019

Rajaboobathi

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
Chennai - 10.

2.The Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.

3.The Deputy Registrar of Co-operative Societies,,
Nagercoil, Kanyakumari District.

4.The President,
Y-37, Mugilanvilai Primary Agricultural
Co-operative Society Ltd.,
Muhilanvilai, Manikkettipottal Post,
Kanyakumari District - 629 501

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 3rd respondent dated 08.03.2019 in Na.Ka.3040/2018 Tho.Ve.Sa(1) and the consequential impugned order of the 4th respondent dated 08.04.2019 and quash the same as illegal and consequently direct the 4th respondent to regularize the petitioner's service from the date of his appointment as clerk I.e., from 01.04.1996.

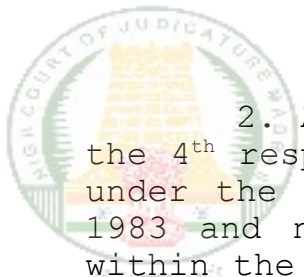
For Petitioner :Mr.S.Sukumar

For R1 To R3 :Mr.P.Thilak Kumar
Govt.Pleader
Assisted by Mr.Ramesh,
Government Advocate

For R4 : No Appearance

O R D E R

The order dated 08.04.2019, issued by the President of the 4th respondent Mugilanvilai Primary Agricultural Co-operative Credit Society Ltd., is under challenge in the present writ petition.



2. Admittedly, the writ petitioner was working as a clerk in the 4th respondent Society. The 4th respondent Society is registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 and not funded by the Government and therefore not a State within the meaning of Article 12 of the Constitution of India. The request of the writ petitioner for regularization of services was rejected by the 4th respondent Society. Therefore, if at all the petitioner is aggrieved, he has to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act. Regarding the maintainability of the writ petition against the Co-operative Society, the Larger Bench of the Madras High Court decided the principles in the case of **K.Marappan Vs. Deputy Registrar of Co-operative Societies** reported in **(2006 (4) CTC 689)**. Therefore, the petitioner is at liberty to approach the competent authority under the provisions of the Co-operative Societies Act for the redressal of his grievances.

3. With these liberty, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

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/ /2022

Sub Assistant Registrar(CS)

MPK

To

1.The Registrar of Co-operative Societies,
Chennai - 10.

2.The Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.

3.The Deputy Registrar of Co-operative Societies,,
Nagercoil, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-5982[F] dated 14/02/2022)

+1 CC to M/s.S.SUKUMAR, Advocate (SR-6300[F] dated 15/02/2022)

W.P. (MD)No.9393 of 2019

11.02.2022

RD(25.02.2022) 2P 6C