



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) No.16427 of 2021
W.M.P(MD).No.13289 of 2021

R.Uthayasooriyan

... Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
No.170, Periyar E.V.R.High Road,
Keelpak, Chennai-10.
- 2.The Joint Registrar of Co-operative Societies,
Virudhunagar Region,
Virudhunagar Collectorate, Virudhunagar.
- 3.The Deputy Registrar of Co-operative Societies,
K.P.V.Complex, Panthalkudi Road,
Aruppukottai,
Virudhunagar District.
- 4.The President,
A.1354, Pandalkudi Primary Agricultural
Co-operative Credit Society,
Pandalkudi-626 113,
Aruppukottai Taluk,
Virudhunagar District.
- 5.Karuppasamy
- 6.R.Muthuselvam
- 7.Rengaraj
- 8.K.Mahesh
- 9.P.Mariyappan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order in Na.Ka.No.1047/2018/ThooVaeSa dated 23.02.2021 on the file of the respondent No.3 and quash the same as illegal and consequentially for a direction, directing the respondent No.2 to take action against illegal promotions and appointments of respondent Nos.5 to 8 made in A.1354, Pandalkudi Primary Agricultural Co-operative Credit Society within the time period stipulated by this Court.



For Petitioner : Mr.S.Rajasekar
for Mr.T.Lajapathi Roy
For Respondents : Mr.M.Ramesh
Government Advocate

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O R D E R

The order impugned is a show cause notice issued to the petitioner to submit his explanation.

2. The writ petitioner is working as Secretary of the fourth respondent Co-operative Society, which is a registered Society under the Tamil Nadu Co-operative Societies Act, not funded by the Government and therefore, not a State within the meaning of Article 12 of the Constitution of India.

3. In respect of certain irregularities found in the matter of compassionate appointments, the Deputy Registrar of the Co-operative Societies issued a show cause notice to the petitioner inviting explanation from him. Since the petitioner is the member of the Society, he cannot file a writ petition in respect of disputes regarding the Management or otherwise. Section 90 of the Act contemplates disputes and the petitioner being a Member of the Society, has to file a suit before the Competent Authority for adjudication of issues. Even otherwise, in respect of service matters, a member of the Co-operative Society may approach the Competent Authority (i.e.,) Joint Registrar or the Registrar, as the case may be, for the purpose of re-dressal of his grievances in the manner known to law. However, the High Court cannot adjudicate such disputed facts in a writ proceedings as it relates to certain irregularities in appointments in the Co-operative Society, which is not a State within the meaning of Article 12 of the Constitution of India. Therefore, the petitioner is at liberty to approach the Competent Authority for re-dressal of his grievances.

4. Accordingly, the Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

- 1.The Registrar of Co-operative Societies,
No.170, Periyar E.V.R.High Road,
Keelpak,
Chennai-10.
- 2.The Joint Registrar of Co-operative Societies,
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Virudhunagar Collectorate,
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- 3.The Deputy Registrar of Co-operative Societies,
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Co-operative Credit Society,
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Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-23421[F] dated 04/05/2022)

W.P. (MD) No.16427 of 2021

Date:29.04.2022

SA(26.05.2022) 3P 6C