



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.17913 of 2019 and

W.M.P.(MD).Nos.14361, 14362 & 10911 of 2019

WEB COPY

1.Natarajan
2.C.Subash Chandrabose
3.R.Shankar
4.R.Rajasekar ... Petitioners

Vs.

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

2.The Joint Registrar,
Co-operative Societies,
Mannarpuram, Trichy-20.

3.The Managing Director,
Chithamani Co-operative Super Market,
Puthur, Trichy-17.

4.The Divisional Manager,
Indian Oil Corporation,
Tiruchirappalli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Memorandum issued by the third respondent vide Na/ka/chin/1001/2019-20 dated 29.05.2019 in pursuant to Indian Oil Divisional Manager Order dated 06.03.2019 to pay the fine amount of Rs.2,15,806/- and quash the same and further direct the respondents not to deduct the above fine amount from our monthly salary and to refund the already deducted amount to the petitioners and to grant other reliefs.

For Petitioner : Mr.R.Narayanan
for Mr.T.Banumathy

For Respondent : Mr.P.Thilak Kumar
assisted by
Mr.M.Ramesh,
Government Advocate
for RR1 & 2
Mr.G.S.Ashok Adhithyan for R3
No-appearance for R4



O R D E R

The order of recovery passed by the third respondent dated 29.05.2019 is under challenge in the present Writ Petition.

2. The third respondent Society is registered under the Tamil Nadu Co-operative Societies Act and not funded by the Government.

3. The learned counsel appearing on behalf of the Society made it clear that it is a self-reliance Society and there is no funding by the Government. Further, the Elected board is administering the Society and the service conditions are governed by by-laws of the Society. This being the factum, no writ petition is maintainable before the High Court, in view of the Larger Bench Judgment in the case of ***K.Marappan vs. The Deputy Registrar of Co-operative Societies, reported in 2006 4 (CTC) 689***. Thus, the writ petitioner has to exhaust the statutory remedy contemplated under the provisions of the Tamil Nadu Co-operative Societies Act. In this view of the matter, the petitioner is at liberty to file an appropriate revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act in the prescribed format and by paying all necessary fees. In the event of any such revision, the Authorities Competent may decide the issues on merits.

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

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

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

2.The Joint Registrar,
Co-operative Societies,
Mannarpuram, Trichy-20.

3.The Managing Director,
Chithamani Co-operative Super Market,
Puthur, Trichy-17.



4.The Divisional Manager,
Indian Oil Corporation,
Tiruchirappalli.

+1 CC to M/s.G.S.ASOK ADHITHYAN, Advocate (SR-7396[F] dated
21/02/2022)

+1 CC to M/s.SPL GP (SR-7399[F] dated 21/02/2022)

W.P. (MD) No.17913 of 2019

18.02.2022

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