



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.17809 of 2021

and

W.M.P(MD).Nos.14686 and 14687 of 2021

A.Shanmugam

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
O/o. the Co-Operative Societies,
170, EVR Salai,
Kilpauk, Chennai-600010.

2 .The Managing Director
Tiruchirappalli District Central Co-operative Bank,
No.1, Fort Station Road,
Tiruchirappalli-620002.

3.A.Shanmugasundaram
Advocate/enquiry Officer,
Tiruchirappalli District Central Co-operative Bank,
No.1, Fort Station Road,
Tiruchirappalli-620002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in No.70/2005 (C3) A10 dated 07.09.2021 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction forbearing the Respondent Nos.2 and 3 from proceeding with the enquiry without furnishing the documents to the petitioner as per the order passed by this Court in W.P.(MD) No.10243 of 2021 dated 05.07.2021.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.M.Ramesh,
R1 & R2 Government Advocate
R3 : No appearance

ORDER

The order passed by the Managing Director of Tiruchirappalli District Central Co-operative Bank is under challenge in the present Writ Petition.



2. The Co-operative Bank is a Society registered under the Co-operative Societies Act and the petitioner is working as Assistant, who is an employee of the Co-operative Societies. The Society is not a State within the meaning of Article 12 of the Constitution of India. Therefore, the petitioner has to exhaust the statutory remedy contemplated under the provisions of the Tamil Nadu Co-operative Societies Act, in view of the principles of 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.*** Even, apart from that, when there is a statutory remedy contemplated under the Act, which is efficacious, the petitioner has to exhaust the same even before approaching the High Court under Article 226 of the Constitution of India. Disputed facts cannot be adjudicated in a writ proceedings. It is to be done with reference to the documents and evidences in original. Therefore, exhausting statutory remedy is of paramount importance and adjudication of disputed facts would be of greater assistance to the High Court to exercise the power of judicial review in effective manner. Thus, the writ petitioner is at liberty to approach the Revisional Authority under the provisions of the Tamil Nadu Co-operative Societies Act, for the purpose of redressal of his grievances.

3. With this liberty, the Writ Petition stands disposed of. However, there shall be no order as to costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

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Advocate/enquiry Officer,
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WEB COPY

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-10485[F]
dated 08/03/2022)

+1 CC to M/s.SPL.GP (SR-10960[F] dated 09/03/2022)

W.P.(MD) No.17809 of 2021

07.03.2022

NSN(CO)

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