



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18403 of 2021

and W.M.P(MD).No.15195 and 15196 of 2021

WEB COPY

R.Benila

... Petitioner
Vs.

- 1.The Deputy Registrar,
O/o.Deputy Registrar of Co-operative Societies,
Tuckalay,
Kanyakumari District.
- 2.Regional Joint Registrar,
O/o.Joint Registrar of Co-operative Societies,
Nagercoil,
Kanyakumari District.
- 3.The Field Officer,
Melpuram Region,
The Kalkulam & Vilavancode Taluk Teachers'
Co-operative Thrift & Society Limited,
K.V.116,
Kuzhithurai,
Kanyakumari District-629 163.
- 4.The Society President,
The Kalkulam & Vilavancode Taluk Teachers'
Co-operative Thrift & Society Limited,
K.V.116,
Kuzhithurai,
Kanyakumari District-629 163.
- 5.The Society Secretary,
The Kalkulam & Vilavancode Taluk Teachers'
Co-operative Thrift & Society Limited,
K.V.116,
Kuzhithurai,
Kanyakumari District-629 163.
- 6.The Domestic Enquiry Officer,
Assistant Director Co-operative
Audit (Rtd) cum Advocate,
Tuckalay,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus, calling for

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the records relating to the impugned order passed by the fourth respondent herein vide Letter No.7/2021-22 dated 24.06.2021 and quash the same as illegal and consequently direct the fourth respondent not to stop of the increment of the salary of the petitioner with cumulative effect with effect from October 2021.

For Petitioner : Mr.M.Sankar
For Respondents : Mr.M.Ramesh
Government Advocate

O R D E R

The order passed by the Society President, the Kalkulam & Vilavancode Taluk Teachers', Co-operative Thrift & Society Limited, is under challenge in the present writ petition.

2. The fourth respondent is a Society registered under the Co-operative Societies Act. 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 re-dressal of her 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)

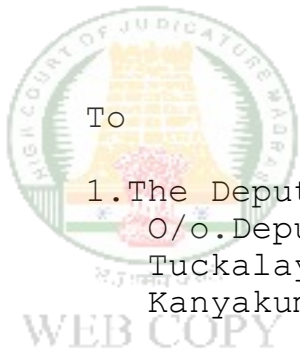
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/ /2022

Sub Assistant Registrar(CS)

ssb

<https://hcservices.ecourts.gov.in/hcservices/>



To

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Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-10961[F] dated 09/03/2022)

W.P.(MD) No.18403 of 2021

07.03.2022

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