



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.26704 of 2019

and

W.M.P. (MD) Nos.23031 & 23032 of 2019

WEB COPY

P.Madasamy

... Petitioner

vs.

1.The Joint Registrar of Cooperative Societies
Thoothukudi

2.The Deputy Registrar of Cooperative Societies
Kovilpatti, Thoothukudi District

3.The President
Thili.Thani.55.Primary Agricultural
Cooperative Credit Society Ltd.,
Kadambur, Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records of the impugned order of the 2nd respondent in Na.Ka.2474/2019 KaVa dated 29.07.2019 and consequential impugned order passed by the 3rd respondent dated 13.08.2019 and quash the same as illegal and consequently direct the respondents to conduct a re-audit to the 3rd respondent Society.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.P.Thilak Kumar

Government Pleader

assisted by Mr.M.Ramesh

Government Advocate for R1 & R2

No appearance for R3

O R D E R

The impugned order, dated 13.08.2019, was passed by the third respondent, who is the President of a Primary Agricultural Cooperative Credit Society Limited registered under the provisions of the Tamil Nadu Cooperative Societies Act and not funded by the Government, is not the State within the meaning of Article 12 of the Constitution of India. Further, the impugned order shows that the elected President has signed the order. Furthermore, it is a show cause notice. Thus, the petitioner has to redress his grievance in the manner contemplated under the provisions of the Tamil Nadu



Cooperative Societies Act, 1983 and the Rules thereof. No writ petition is entertainable in respect of the orders passed by the Management of a Cooperative Society in view of the decision of the Larger Bench of this Court in the case of ***K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another***, reported in ***2006 (4) CTC 689***. Thus, the petitioner has to exhaust the statutory remedy under the provisions of the Cooperative Societies Act. This being the factum, the petitioner is at liberty to approach the Authority competent under the Act for redressal of his grievance in the manner known to law.

2. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Joint Registrar of Cooperative Societies,
Thoothukudi.

2.The Deputy Registrar of Cooperative Societies,
Kovilpatti, Thoothukudi District.

+1 CC to M/s.SPL GP (SR-6846[F] dated 17/02/2022)

W.P. (MD) No.26704 of 2019

and

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RJ(CO)

TR(22.02.2022) 2P 4C