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W.P.No.28325 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.28325 of 2025

And

W.M.P.No.31711 of 2025

V.D.Ekambaram

... Petitioner

Vs.

1.The Deputy Registrar (Housing),
Chengalpattu Region,
Chengalpattu – 603 001.

2.The Administrator,
Tiruvallur Taluk Cooperative Housing Society,
No.210 M.V.Complex,
2nd Floor C.V.Naidu Salai,
Tiruvallur – 602 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to review the suspension dated 03.04.2025 in the light of observations of the Apex Court judgment made in the case of Bhupinder Singh Vs. Unitech Ltd. and other in paragraph 14 and pass appropriate orders for considering the petitioner representations dated 12.05.2025.

For Petitioner : Mr.L.P.Shanmugasundaram
For Respondents : Mr.V.Umakanth
Government Advocate



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ORDER

Mr.V.Umakanth, learned Government Advocate takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The writ petition has been filed seeking issuance of Writ of Mandamus directing the respondents to review the suspension dated 03.04.2025 in the light of the Hon'ble Apex Court judgment in the case of Bhupinder Singh Vs. Unitech Ltd. and other and to pass appropriate orders for considering the petitioner representations dated 12.05.2025.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been suspended on 03.04.2025 and hence for review of suspension, the petitioner has made representation on 12.05.2025 and such representation is pending with the respondents.

4.At this juncture, the learned Government Advocate relied upon the Hon'ble Larger Bench Judgment of this Court in the case of ***K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another [2006 (4) CTC 689]*** and would contend that the writ



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petition in respect of service matter is not maintainable.

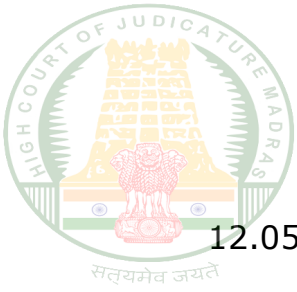
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5.However, the learned counsel appearing for the petitioner would submit that whenever there is violation of Constitution provisions, then the Co-operative society can be characterized as 'State' within the meaning of Article 12 of the Constitution and would submit that the writ petition is maintainable.

6.I have given my anxious consideration to either side submissions.

7.Even in the case of K.Marappan, it is held that in certain cases where there is violation of bye-laws, the Co-operative society can be characterized as 'State' within the meaning of Article 12 of the Constitution of India. In the present case, the petitioner has been suspended in violation of Rules. Since May, 2025, the respondents have not reviewed the suspension.

8.In view of the above peculiar circumstances, without going into the merits of the writ petition, this Court, deems it appropriate to direct the respondents to consider the petitioner's representation dated



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12.05.2025 upon its own merits by following the applicable Government Orders and the precedence and pass orders, within a period of four weeks from the date of receipt of a copy of this order.

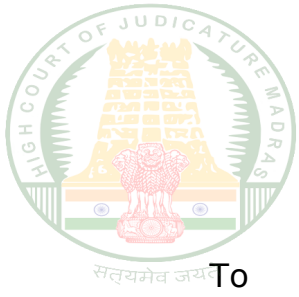
9.At this juncture, the learned counsel appearing for the petitioner would submit that during the suspension period, the petitioner has not been given any subsistence allowance and in this regard, the petitioner has already given representation on 12.05.2025 and such representation is still pending with the respondents.

10.Hence, the respondents are directed to consider the above representation of the petitioner also, upon its own merits and in accordance with law and pass orders, within the above period. The writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.07.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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To

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C.KUMARAPPAN,J.
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