

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1282 of 2026
AND
C.M.P.No.12236 OF 2026

The Administrator
S-210, Vengari Primary Agricultural
Co-Operative Credit Society Ltd.,
Namakkal District.

..Appellant(s)

-VS-

1. P.Edison
2. The Joint Registrar Of Co-Operative
Societies / Common Cadre Authority,
Namakkal Region, Namakkal District.

... Respondents

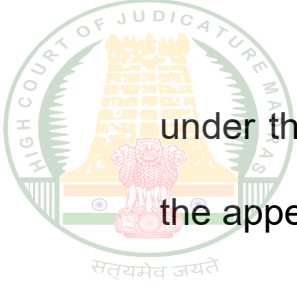
Prayer: To set aside the order dated 04.02.2026 in W.P.No.41319 of 2025.

For Appellant: Mr.C.Prakasam
For Respondents: Mr.L.P.Shanmugasundaram for R1

J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The Administrator of Vengari Primary Agricultural Co-operative Credit Society Limited, a Co-operative Society registered



under the provisions of Tamil Nadu Co-operative Societies Act, 1983 is the appellant in the present Intra Court Appeal.

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2. When the matter is taken up for hearing, learned counsel on either side have consented for final disposal of the matter and therefore, the following orders are passed.

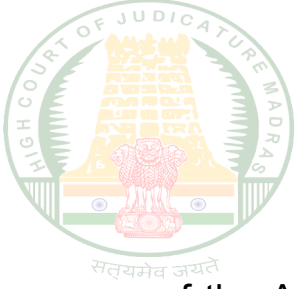
3. The 1st respondent / P.Edison, who was holding the post of Secretary in the Co-operative Society was permitted to retire from service on 30.06.2024 and a part of his terminal benefits were withheld on account of certain allegations regarding financial loss caused to the Co-operative Society. Allegations against the 1st respondent was that when he was working as Secretary in-charge in the appellant Society from 16.08.2013 to 30.11.2019, a title deed pledge loan amounting to Rs.3,11,355/- was pending realization till his retirement and thereby causing a loss of Rs.3,11,355/- and interest of Rs.6,12,999/- (upto 30.06.2024) totalling a sum of Rs.9,24,354/- to the Society. After filing an Arbitration claim under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983, Award was obtained on two title deed pledge loan on 14.12.2007 and 07.06.2012 during the tenure of the 1st respondent. As per the provisions of the Act, 1983 and Rules made thereunder, execution petition has to be filed within twelve years. However, the 1st



respondent, during his tenure as Secretary from 2013 to 2019, failed to institute execution proceedings, which resulted in causing financial loss to the Society. Thus, Common Cadre Authority, while permitting the 1st respondent to retire from service, ordered to withhold his part of terminal benefits equivalent to the alleged financial loss caused.

4. A perusal of the above facts would show that disputed issue exists between the parties. Such disputed issues cannot be decided by Writ Court under Article 226 of the Constitution of India, by conducting a roving enquiry. Such adjudication is to be done based on original documents and evidences available on record and by conducting an enquiry in the manner known to law. Mere statement in the writ affidavit would be insufficient to issue a direction to settle the benefits during existence of certain disputed issues between the employer and employee.

5. In respect of Co-operative Society registered under the Act, 1983, no writ petition is maintainable, since Co-operative society not funded by the Government, is not a State within the meaning of Article 12 of the Constitution of India. Thus, statutory remedy contemplated under the Act is to be exhausted before approaching the High Court under Article 226 of the Constitution of India.



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6. In the present case, Revision would lie under Section 153 of the Act, 1983. Admittedly, the 1st respondent has not exhausted the remedy as contemplated under the Statute. Thus, the Writ Petition claiming terminal benefits based on the retirement benefits *per se* is not maintainable in view of the ratio laid down by a Larger Bench of this Court in the case of **K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal and another**, reported in **2006 (4) CTC 689**.

7. In view of the facts as well as legal position, writ petition itself is not maintainable. Granting liberty to the 1st respondent to approach the competent Revision Authority under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, the present Writ Appeal is to be allowed.

8. Accordingly, the present Writ Appeal is allowed. The impugned Writ Order dated 04.02.2026 in W.P.No.41319 of 2025 is set aside. In the event of filing any Revision under Section 153 of the Act, 1983, the same may be taken on file and decided on merits as expeditiously as possible. Registry is directed to return the original impugned order enclosed by the 1st respondent in the writ petition to the



counsel on record. No costs. Consequently, connected Miscellaneous
Petition is closed.

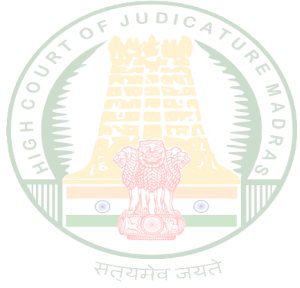
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(S.M.S.,J.) (N.S.,J.)
01-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To:

The Joint Registrar Of Co-Operative Societies /
Common Cadre Authority,
Namakkal Region,
Namakkal District.



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S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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