



W.P(MD) No.10408 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.04.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) No.10408 of 2026

R.Ramasamy

... Petitioner

Vs.

- 1.The The Regional Joint Registrar of Co-Operative Societies,
Madurai Region,
Madurai.
 - 2.The Circle Deputy Registrar of Co-Operative Societies,
Madurai Circle,
Madurai.
 - 3.The Administrator,
A2940 Samayanallur Primary Agricultural Co-operative Credit Society,
Samayanallur,
Madurai District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to disburse the retirement benefits of the petitioner i.e.



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Earned Leave Salary, Provident Fund (P.F), Gratuity and other monetary benefits.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition has been filed seeking writ of mandamus directing the respondents to disburse the retirement benefits of the petitioner such as earned leave salary, provident fund, gratuity and other monetary benefits.

2. Though the relief is sought generally against all the respondents, practically, the liability to pay the retirement benefits of the petitioner lies on the 3rd respondent which is a Co-operative Society.

3. Mr.S.Shaji Bino, learned Special Government Pleader raised the preliminary objection on the maintainability of the writ petition against the 3rd respondent and he also placed reliance on a decision of the Division Bench of this Court in W.A.(MD)No.1885 of 2025, dated 2/11



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28.08.2025 and also a Full Bench decision of this Court in ***K.Marappan vs The Deputy Registrar of Cooperative Societies, Namakkal Circle, Namakkal*** reported in ***2006 (4) CTC 689***.

4. On the other hand, Mr.C.Jeganathan, learned counsel for the petitioner placed reliance on another Division Bench Judgment of this Court in W.A.(MD)No.1167 of 2016 dated 27.03.2025.

5. This Court has carefully considered the submissions made on either side and also the decisions relied upon by the respective counsels.

6. A Full Bench of this Court has considered the aspect as to the maintainability of the writ petition under Article 226 against a Co-operative Society in the case of ***K.Marappan vs The Deputy Registrar of Co-operative Societies (2006 (4) CTC 689)*** and laid down various guidelines which reads as under:

“(i)If a particular co-operative society can be characterised as a “State within the meaning of Article 12



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of the Constitution (applying the tests evolved by the Supreme Court in that behalf), it would also be 'an authority' within the meaning and for the purpose of Article 226 of the Constitution. In such a situation, an order passed by a Society in violation of the bye-laws can be corrected by way of Writ Petition.

(ii)Applying the tests in Ajay Hasia it is held that a cooperative society carrying on banking business cannot be termed as an instrumentality of the State within the meaning of Article 12 of the Constitution;

.....

(iii)Even if a society cannot be characterised as a "State" within the meaning of Article 12 of the Constitution, a Writ would lie against it to enforce a statutory public duty cast upon the society. In such a case, it is unnecessary to go into the question whether the society is being treated as a 'person' or 'an authority' within the meaning of Article 226 of the Constitution and what is material is the nature of the statutory duty placed upon it and the Court will enforce such statutory public duty. Although it is not easy to define what a public function or public duty is, it can reasonably said that such functions are similar to or closely related to those performable by the State in its sovereign capacity.



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(iv) A society, which is not a 'State' would not normally be amenable to the writ jurisdiction under Article 226 of the Constitution, but in certain circumstances, a writ may issue to such private bodies or persons as there may be statutory provisions which need to be complied with by all concerned including societies. If they violate such statutory provisions a writ would be issued for compliance of those provisions.

(v) Where a Special Officer is appointed in respect of a cooperative society which cannot be characterised as a "State" a writ would lie when the case falls under Clauses (iii) and (iv) above.

(vi) The bye-laws made by a co-operative society registered under the Tamil nadu Co-operative Societies Act, 1983 do not have the force of law. Hence, where a society cannot be characterised as a "State" the service conditions of its employees governed by its byelaws cannot be enforced through a Writ Petition.

(vii) In the absence of special circumstances, the Court will not ordinarily exercise power under Article 226 of the Constitution of India when the Act provides for an alternative remedy."

7. Following the above guidelines laid down by the Full Bench, a Division Bench of this Court in W.A.(MD)No.1855 of 2025, by



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order dated 28.08.2025 held as under:

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“3.A direction against the respondents 2 and 3, who are the Government Officials of the Co-operative Department, is not maintainable. The first respondent, admittedly, was an employee of the appellant/Co-operative Society. He was holding the post of Clerk. He is not a Government employee. Therefore, his service conditions are governed by the special bylaws framed under the Co-operative Societies Act.

4.A Writ Petition filed by an employee of a Co-operative Society against the Co-operative Society itself is not maintainable in view of the legal principles settled by the larger bench of the High Court of Madras in the case of K.Marappan Vs. the Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another [2006 (4) CTC 689].

5.In respect of the employees of the Co-operative Societies, they are governed under the bylaws. Thus, they have to exhaust the statutory remedies contemplated under the Tamil Nadu Co-operative Societies Act, 1983. The first respondent ought to have preferred a revision under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 before the second respondent, who is the competent authority to adjudicate



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the issues. The writ Court cannot adjudicate the issues regarding settlement of terminal benefits due to the Co-operative Society employees.”

8. Insofar as the decision relied upon by the learned counsel for the petitioner in W.A.(MD)No.1167 of 2016 dated 27.03.2025 is concerned, the Division Bench having referred to the decision of the Full Bench in ***Marappan's case*** has proceeded to consider the maintainability of the writ petition in the context of an availability of an alternative remedy and came to the conclusion that in case of violation of a fundamental right, the writ petition can be entertained, but the aspect as to whether a Co-operative Society would fall within the meaning of a State under Article 12 of the Constitution of India are not has been considered by the Division Bench in the above decision. As the authoritative pronouncement made by the Full Bench in ***Marappan's case***, is binding on this Court, this Court is of the considered view that the writ petition cannot be entertained seeking relief solely against a Co-operative Society in the absence of any allegation of violation of any statutory provision or the Rules made thereunder.



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9. In the circumstances, this Court is of the considered view that this writ petition cannot be entertained and the same is liable to be dismissed as not maintainable against the respondent society.

10. However, taking into consideration of the fact that the relief sought for is in connection with payment of retirement benefits of the petitioner who already retired from service as early as on 30.06.2025, this Court is of the considered view it would be in the interest of justice to relegate the petitioner to avail the remedy of revision available under Section 153 of Tamil Nadu Cooperative Societies Act, 1983.

11. Accordingly, the writ petition is disposed of permitting the petitioner to avail the remedy of revision under Section 153 of Act, 1983 before the Registrar of Co-operative Societies, Chennai within a period of three weeks from the date of receipt of a copy of this order. In case, if any such revision petition is filed within the time stipulated above, the Registrar of Co-operative Societies, Chennai, shall dispose of



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the same on its own merits, as expeditiously as possible, at any rate within a period of eight (8) weeks from the date of filing of the revision petition by the petitioner. No costs.

16.04.2026

Index : Yes / No

NCC : Yes / No

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Copy to

The Registrar of Co-operative Societies,
Chennai.

To

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Madurai Region,
Madurai.
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MUMMINENI SUDHEER KUMAR, J.

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