

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06..04..2015

CORAM:

THE HONOURABLE MR.JUSTICE V.DHANAPALAN
AND
THE HONOURABLE MR. JUSTICE R.S.RAMANATHAN

W.A.No.1497 of 2011

The Secretary
A-2403, Sri Meenakshi Mills
Employees Co-operative Credit Society Ltd.,
Vasantha Nagar, T.P.K. Road,
Madurai 625 003.

... Appellant

vs.

1. Sree Meenakshi Mills Ltd.,
now called GHCL Ltd.,
rep. By its Authorised Signatory
Mr.S.Ramesh,
having its office at Paravai
Samayanallur Post,
Madurai 625 402.
2. The Special Tribunal for Co-operative Cases,
Principal District Court,
Madurai.
3. The Deputy Registrar,
Co-operative Societies,
Tallakulam Road,
Madurai 625 002.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 01.03.2011 made in W.P.No.5860 of 2004 filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings of the impugned order dated 27.1.2004 passed by the first respondent in CMA.(CS) No.15/2001 and quash the same with direction to the third respondent to claim simple interest at the rate of 12% on the uncapped principal amount of Rs.37,82,221.67 as on 25.2.2001 from the petitioner till realization and pass such further or other orders.

For Appellant : Mr.T.N.Rajagopalan
for Mr.S.T.S.Murthy

For Respondents : Mr.P.S.Raman, for R1
Senior Counsel
for M/s.Shivakumar Suresh
Mr.T.N.Rajagopalan, Spl.G.P. for R2

J U D G M E N T

(Judgment of the Court was delivered by V.DHANAPALAN,J.)

Heard Mr.T.N.Rajagopalan, learned counsel appearing for Mr.S.T.S.Murthy, learned counsel for the appellant and Mr.P.S.Raman, learned Senior Counsel appearing for M/s.Shivakumar Suresh, learned counsel appearing for the 1st respondent.

2. This Writ Appeal is directed against the order of interim direction dated 01.03.2011 passed by the learned Single Judge in W.P.No.5860 of 2004, wherein, it is held as under:

"Learned Senior Counsel appearing for the petitioner made a statement that if a chance is given to both sides to sit across the table to work out how the principal and interest amount could be adjusted for making the final payment, the matter will be easily and amicably solved on the basis of the ratio laid down by this Court in B & C MILLS STAFF UNION AND OTHERS V.K.PANDIAN AND OTHERS by order dated 11.07.2006.

2. To my mind also, the ratio laid down by this Court in adjusting the amount paid by the petitioner Mill has been totally adjusted only towards interest and not towards the principal amount. Therefore, I direct the second respondent-Deputy Registrar, Co-operative Societies, Tallakulam Road, Madurai 625 002 to facilitate between the parties on the basis of the principles laid down by the Court in the above mentioned judgment in reference to Sections 48(2) and 48(8) of the Tamil Nadu Co-operative Societies Act and to submit a report within a period of four weeks from the date of receipt of a copy of this order.

3. Post this matter after five weeks."

3. The appellant has raised a plea that the Writ Court has failed to take note of the earlier order passed on 25.08.2009 in W.P.Nos.5859 & 5860 of 2004. The said order reads thus:

"At the end of their arguments, learned counsel on either side have submitted that the entire issue in dispute is about the calculation of the amount arrived at by the Deputy Registrar, Co-operative Society, Madurai Region. It is suggested by the learned counsel on either side that if the said authority calculates the amount and gives a statement of calculation, then the matter would be resolved.

2. In view of the above submissions, these matters are adjourned by four (4) weeks. In the meanwhile, the Deputy Registrar, Co-operative Society, Madurai Region shall calculate and prepare a statement and submit the same to the parties concerned."

4. A comprehensive reading of the above two orders of this Court gives a clear position that the matter in question can be resolved if both parties sit together and decide the amount to be paid on the basis of the ratio laid down in B & C Mills Staff Union case. It is further seen that the views of the two learned Single Judges are one and the same. Therefore, we do not find any ground to interfere with the interim order dated 01.03.2011 passed by this Court. However, it is for the appellant to inform the Writ Court as to the position with regard to Section 48(2) of the Tamil Nadu Co-operative Societies Act in the matter of adjustment of interest and principal amount.

5. With the above observation, this Writ Appeal is disposed of with liberty to the parties to go before the Writ Court. No costs. We request the learned Single Judge to give top priority in taking up the Writ Petition for final disposal, as it is of the year 2011. Consequently, connected M.P.No.1 of 2011 is closed.

aeb

-s/d-
Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

To

1. The Special Tribunal for Co-operative Cases,
Principal District Court, Madurai.
2. The Deputy Registrar,
Co-operative Societies,
Tallakulam Road, Madurai 625 002.

3. The Section Officer,
Writ Section, High Court,
Madras.

+ 1 cc to M/s.Shivakumar and Suresh, Advocates SR 19019

+ 1 cc to Mr.S.T.S.Murthy, Govt.Pleader SR 18893

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