IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-04-2016

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.12610 of 2016

Tmt. S. Sellam .. Petitioner

Vs.

1. The Joint Registrar of
Cooperative Societies/
Special Officer
Tiruvannamalai District Central
Cooperative Bank Ltd.,
Tiruvannamalai

2. The Deputy Registrar of
Cooperative Societies
Tiruvannamalai Region
Tiruvannamalai

3. The Special Officer
Vadamathur Primary Agricultural
Cooperative Credit Society
Vadamathur, Tiruvannamalai District .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first respondent to refund to the petitioner herein the sum of Rs.1,66,409.35 recovered as per letter Na.Ka.No.370/2004/E3 dated 12-02-2007 from the retiral benefits of petitioner husband (Thiru.N. Madhaiyan, Assistant Manager) with interest within a limited time frame in the light of the order dated 27-07-2004 in W.P.No.10863 of 2004 passed by this Court and by considering her representation dated 10-01-2014.

For petitioner :: Mr. R. Thamaraiselvan
For respondents :: Mr. R.Balaramesh, AGP

WEB COPY

O R D E R

The petitioner has come forward with this petition praying for a writ of mandamus directing the first respondent to refund to the petitioner herein the sum of Rs.1,66,409.35p (Rupees One lakh sixty six thousand four hundred nine and thirty five paise only) recovered as per letter Na.Ka.No.370/2004/E3 dated 12-02-

https://hcservices.ecourts.gov.in/hcservices/

2007 from the retiral benefits of petitioner husband (Thiru.N. Madhaiyan, Assistant Manager) with interest within a limited time frame in the light of the order dated 27-07-2004 in W.P.No.10863 of 2004 passed by this Court by considering her representation dated 10-01-2014.

2. It is the case of the petitioner that her husband has filed W.P.No.10863 of 2004 and this Court granted interim stay and made the same absolute on 27-07-2004. The first respondent recovered a sum of Rs.1,66,409.35p (Rupees One lakh sixty six thousand four hundred nine and thirty five paise only) from her husband's pensionary benefits on the basis of the order dated 27-07-2004 and inspite of repeated representations made by her husband, the said amount was not refunded to him till his death on 04-10-2013.

3. Against the order of recovery dated 12-02-2007, the petitioner's husband once again came to this Court seeking a writ of mandamus directing the first respondent to refund the very same amount of Rs.1,66,409.35p (Rupees One lakh sixty six thousand four hundred nine and thirty five paise only) recovered as per letter Na.Ka.No.370/2004/E3 dated 12-02-2007 from the retiral benefits of petitioner's husband. Hence it is prayed to allow this writ petition.

4. This Court is not able to find any merit in the submission made by the learned counsel appearing for the petitioner. Prima facie, it is not known as to what finally happened to the proceedings, Pro.Na.Ka.2430/96/Sa.Pa. dated 20-05-2003 of the first respondent wherein the recovery of the said amount was ordered and the same had been put to challenge in W.P.No.10863 of 2004. Secondly, the following consequential order, Na.Ka.No.370/2004/E3 dated 12-02-2007 also has not been challenged. Therefore, when the consequential order has not been challenged, the prayer sought to refund the said sum that had already been recovered by order dated 26-11-2006 cannot be granted.

5. In view of the above, the writ petition fails and the same is dismissed. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

glp

https://hcservices.ecourts.gov.in/hcservices/

To

1. The Joint Registrar of Cooperative Societies/
   Special Officer
   Tiruvannamalai District Central Cooperative
   Bank Ltd.,
   Tiruvannamalai

2. The Deputy Registrar of Cooperative Societies
   Tiruvannamalai Region
   Tiruvannamalai

3. The Special Officer
   Vadamathur Primary Agricultural
   Cooperative Credit Society
   Vadamathur, Tiruvannamalai District

+1cc to Mr.R. Thamaraiselvan, Advocate, S.R.No.21012
+1cc to the Government Pleader, S.R.No.

VGI(CO)
EU(02/06/2016)

W.P.No.12610 of 2016

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/