

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

WP.No.24326 of 2016

P.Thangavel

..Petitioner

Vs.

The President,
Transport Corporation Employees, Cooperative
Thrift and Credit Society Ltd X.367,
No.10, Ratna Nagar,
Teynampet,
Chennai 600 018

..Respondent

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent namely, The President, Transport Corporation Employees, Cooperative Thrift and Credit Society Ltd X.367, running at No.10, Ratna Nagar, Teynampet, Chennai 600 018 to settle the amount due to the petitioner, i.e., his share, thrift, FBS within a stipulated time.

For Petitioner : Mr.A.G.Rajan

For Respondent : Mrs.T.P.Savitha

ORDER:

The learned counsel for the petitioner would submit that the petitioner was employed in the Tamil Nadu State Transport Corporation as a conductor at Kallakurichi branch-I, Villupuram Division and while in service, the petitioner became a member of the respondent society. The petitioner also availed a loan from the same society. After the retirement, the petitioner requested the society to settle the amount due to the petitioner by way of share, thrift, F.B.S. But, the respondent society replied that the above amount would be cleared only when the loan availed by one, Mr.Thiruman, who is to retire only in the year 2018, is cleared by him. Even after making many representations, the respondent society is refusing to settle the said amounts. Hence, the petitioner has filed this writ petition before this Court.

2. The learned counsel for the respondent would submit that in view of the full bench judgment made in K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689, the petitioner is not entitled to file a writ petition. Further, when the petitioner has an alternative remedy under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983, without exhausting the same, filing a writ petition is not maintainable either on law or on facts.

3. In view of the submissions made by the learned counsel for the petitioner and the respondent and in the light of the full bench judgment made in K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689, the present writ petition filed against the respondent society is not maintainable. If any grievance, the petitioner has to approach the concerned authority under the provisions of the Tamil Nadu Cooperative Societies Act, 1983. Hence, the writ petition is liable to be dismissed as not maintainable.

4. Therefore, the writ petition is dismissed with liberty to the petitioner to approach the concerned authority, if so advised. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

The President,
Transport Corporation Employees, Cooperative
Thrift and Credit Society Ltd X.367,
No.10, Ratna Nagar,
Teynampet,
Chennai 600 018

+1 CC to Mr.T.P. Savitha, Advocate sr 54129.

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SK(CO)
sp(03/10/2017)