

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE D.KRISHNAKUMAR

W.P.No.33738 of 2016

P.Nithiyanandan

... Petitioner

Vs

1. The Registrar of Co-operative Societies,
N.V.Natarajan Maaligai,
170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
 2. The Deputy Registrar,
O/o. The Deputy Registrar of Co-operative Societies,
Cherry Road, Near Mulluvadi Gate,
Backside of Central Co-operative Bank,
Salem - 636 001.
 3. The Secretary,
Tamil Nadu State Transport Corporation
(Salem-1) Limited Employees Co-operative
Thrift & Credit Society Ltd.,
Sathiya Narayana Road,
Swarnapuri, Salem - 636 004.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to dispose and pass order on the petition dated 23.06.2016 filed under Section 90 of the Tamil Nadu Co-operative Societies Act.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.V.Selvaraj
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a direction to the second respondent to pass orders on the petition dated 23.06.2016 filed under Section 90 of the Tamil Nadu Co-operative Societies Act.

2. Heard Mr.A.Nagarathinam, learned counsel appearing for the petitioner and Mr.V.Selvaraj, learned Additional Government Pleader appearing for the respondents 1 to 3.

3. The petitioner is working as a Superintendent in Tamil Nadu State Transport Corporation, Salem and was a member in the third respondent-Society since 1992. The petitioner obtained a loan from the respondent Society for a sum of Rs.3,00,000/- for medical treatment. Initially, the loan amount was deducted from the salary and thereafter, he repaid the remaining amount directly in the respondent Society on 03.06.2015. On the same day, he also closed his membership in the respondent-Society. According to the petitioner, the respondent-Society has paid the dividend amount and the thrift amount only upto 31.03.2011 and thereafter, it did not pay the interest, thrift amount and dividend to the members.

4. It is submitted by the petitioner that when the petitioner approached the third respondent-Society for payment of thrift amount and dividend, he was informed by the Society that there was no proper fund transfer from the Transport Corporation and hence the respondent-Society could not make payment to the members. However, on information obtained under RTI, it came to light that the Transport Corporation is paying Rs.1,50,000/- per day to the respondent-Society. Dissatisfied with the act of the respondent-Society, the petitioner raised a dispute and filed a petition dated 23.06.2016 under Section 90 of the Tamil Nadu Co-operative Societies Act, before the second respondent, to direct the respondent-Society to settle his share, thrift, dividend and interest amounts. In response, the second respondent has sent a letter to the third-respondent to take action on the petition dated 23.06.2016. Thereafter, the respondent-Society sent a letter dated 31.08.2016 to the petitioner stating that dividend and thrift interest was paid to the members only upto 31.03.2011 and thereafter the outstanding amount that are due to the members will be considered by the Transport Corporation based on the date of the application filed by the members. But till date, the petitioner was not favoured with any response. Hence, the petitioner is before this Court to direct the second respondent to consider his petition dated 23.06.2016 filed under Section 90 of the Tamil Nadu Co-operative Societies Act.

5. The learned Additional Government Pleader on instructions from the second respondent submitted that the petition dated 23.6.2016 filed by the petitioner will be considered on merits and in accordance with law.

6. Considering the limited scope of prayer sought for by the petitioner in the Writ Petition, without expressing any opinion on the merits of the claim submitted by the petitioner in his petition dated 23.06.2016, this Court directs the second respondent to consider the petition dated 23.06.2016 and pass orders on merits and in accordance with law as expeditiously as possible, within a period of three months from the date of receipt of a copy of this order, after affording opportunities to the parties concerned.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ds

To

1. The Registrar of Co-operative Societies,
N.V.Natarajan Maaligai,
170, Periyar EVR High Road,
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2. The Deputy Registrar,
O/o. The Deputy Registrar of Co-operative Societies,
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3. The Secretary,
Tamil Nadu State Transport Corporation
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Thrift & Credit Society Ltd.,
Sathiya Narayana Road,
Swarnapuri, Salem - 636 004.

+1cc to Mr.A.Nagarathinam, Advocate, S.R.No.17757

+1cc to the Government Pleader, S.R.No.18679

W.P.No.33738 of 2016

NM(CO)

CA(02/05/2017)