



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.06.2017**

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.7666 of 2017

and

W.M.P (MD) Nos. 5977,5978 and 6688 of 2017

T.Dhanapakiam

... Petitioner

Vs.

1.The District Court,
Srivilliputhur, Virudhunagar District.

2.The Deputy Registrar of Co-op. Societies,
O/o.The Deputy Registrar of Co-op. Societies,
Melamada Street,
Srivilliputhur, Virudhunagar District.

3.The General Manager,
RK.10, Virudhunagar District Central Co-op. Bank Ltd.,
Madurai Road, Virudhunagar District. ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent passed in Ne.Ma.03/14-15, dated 20.03.2017 and the consequent order of the third respondent in Na.Ka.15073/2017/E1, dated 17.04.2017 and quash the same and direct the District Court Srivilliputhur to dispose of the Appeal in C.M.A (CS).No.19/2010, as early as possible.

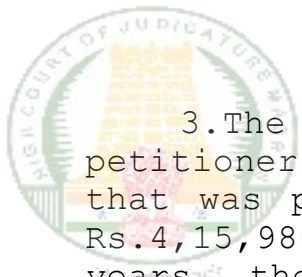
For Petitioner : Mr. V.O.S.Kalaiselvam

For Respondents : Mr.N.S.Karthikeyan,
Additional Government Pleader.

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent passed in Ne.Ma.03/14-15, dated 20.03.2017 and the consequential order of the third respondent in Na.Ka.15073/2017/E1, dated 17.04.2017 and quash the same and direct the District Court, Srivilliputhur, to dispose of the Appeal in C.M.A (CS).No.19/2010, as early as possible.

<https://hcservices.courts.gov.in/cse/Mcs/V.O.S.Kalaiselvam>, learned counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the respondents.



3.The learned counsel for the petitioner submitted that the petitioner has preferred a statutory appeal as against the order that was passed against the petitioner for recovery of a sum of Rs.4,15,980.25/-. Since the appeal is pending for more than seven years, the second respondent has taken coercive steps, taking advantage of the fact that no stay was granted by the Appellate Tribunal. The petitioner further submitted that he is not responsible for the long delay in the pendency of the appeal before the Appellate Tribunal and that the appeal is adjourned from time to time, primarily due to administrative reasons or other reasons, for which the petitioner is not responsible. It is in these circumstances, allowing the third respondent to deduct a sum of Rs.6640/- every month from the petitioner's salary, would be violative of petitioner's fundamental rights guaranteed in Article 21 of the Constitution of India.

4.Considering the facts narrated before this Court, this Court, without expressing any opinion on the merits of the petitioner's case, is inclined to pass the following order, which would be appropriate and meets the ends of justice. The first respondent is directed to dispose of the appeal preferred by the petitioner in C.M.A(CS).No.19/2010, within a period of eight weeks from the date of receipt of a copy of this order.

5.Having regard to the fact that the petitioner's appeal is pending for more than seven years and that the respondents 2 and 3 did not take any steps for all these years, this Court directs the respondents not to take coercive steps against the petitioner, pursuant to the order of the second respondent, dated 20.03.2017 and the consequential order of the third respondent, dated 17.04.2017, till such time, the Appellate Tribunal passes an order on merits as per the directions of this Court.

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

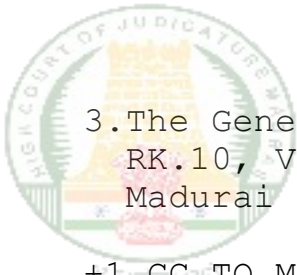
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Sub Assistant Registrar(C.S.)

To

1.The District Court, Srivilliputhur, Virudhunagar District.

2.The Deputy Registrar of Co-op. Societies,
O/o.The Deputy Registrar of Co-op. Societies,
Melamada Street,
Srivilliputhur, Virudhunagar District.



3.The General Manager,
RK.10, Virudhunagar District Central Co-op. Bank Ltd.,
Madurai Road, Virudhunagar District.

+1 CC TO MR.V.O.S.KALAISELVAM, ADVOCATE, SR NO.58229

WEB COPY

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.58492

KM/MYR

MAS/KP/SAR1:12.06.2017:3P-6C

W.P (MD) No.7666 of 2017

and

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