



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM

THE HON'BLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No.17455 of 2013

WEB COPY
P.Velammal

... Petitioner

-vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Deputy Registrar of Co-operative Societies,
Thoothukudi District.

3.The Secretary,
EE-476, Varthagareddipatti Primary Agricultural
Cooperative Bank Limited,
Varthagareddipatti,
Thoothukudi District.

4.The President,
EE-476, Varthagareddipatti Primary Agricultural
Cooperative Bank Limited,
Varthagareddipatti,
Thoothukudi District.

... Respondents

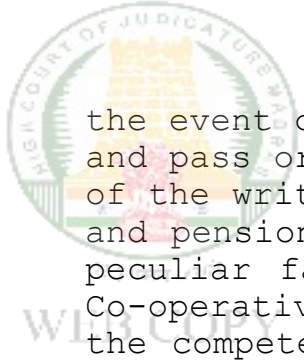
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the third respondent dated 16.09.2013 insofar as the rejection of the claim of Petitioner for the disbursement of the salary for the Earned Leave of her husband and to quash the same and further to direct the third respondent to disburse the salary for the Earned Leave of the Petitioner's husband to the Petitioner.

For Petitioner : Mr.R.Maheswaran
for M/s.G.Prabhu Rajadurai

For Respondents : Mr.R.Sethuraman,
Spl. Government Pleader

O R D E R

The Writ against a Co-operative Society is not maintainable. The Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act is not a state within Article 12 of the Constitution of India. Thus liberty is granted to the Writ Petitioner to prefer a revision under Section 153 of the Tamil Nadu Co-operative Societies Act before the competent authorities for the purpose of redressing her grievances. The competent authority, in



the event of receiving any such representation, is bound to consider and pass orders at the earliest possible, in view of the grievances of the writ Petitioner in relation to the disbursement of terminal and pensionary benefits due to her deceased husband. In view of the peculiar fact that the Writ Petitioner's husband employed in the Co-operative Society and passed away, her case has to be decided by the competent authority namely, the Joint Registrar of Co-operative Societies at the earliest possible, preferably within a period of 12 weeks from the date of receipt of a copy of this order. The Writ Petitioner is directed to submit a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act under the prescribed format by paying the Government fees, within one week from the date of receipt of a copy of this order.

2. Under these circumstances, the present Writ Petition cannot be entertained for grant of relief regarding the settlement of terminal and pensionary benefits and the same is to be considered by the competent authority on merits and in accordance with law. With these observations, the Writ Petition is dismissed as not maintainable. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Thoothukudi District, Thoothukudi.
 2. The Deputy Registrar of Co-operative Societies,
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Cooperative Bank Limited,
Varthagareddipatti, Thoothukudi District.
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EE-476, Varthagareddipatti Primary Agricultural
Cooperative Bank Limited,
Varthagareddipatti,
Thoothukudi District.
- +One cc to Mr. G. Prabhu Rajadurai, Advocate, SR.No.52200
+One cc to The Special Government Pleader, SR.No.52519

vsn

RL/7C/2P/CVC/SAR2/13/3/2018

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