

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :23.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.21592 & 27185 of 2019

&

W.M.P.No.26586 of 2019

W.P.No.21592 of 2019

S.Veerapandiyan

..Petitioner

vs

- 1.The Registrar of Co-operative Societies,  
Office of the State Registrar,  
No.170, EVR High Ways,  
Kilpauk, Chennai-600010.
- 2.The Joint Registrar of Co-operative Societies,  
Office of the Joint Registrar,  
District Collector's Office Campus,  
Vengikkal, Tiruvannamalai District - 606604.
- 3.The Deputy Registrar of Co-operative Societies,  
Office of the Deputy Registrar,  
District Collector's Office Campus,  
Vengikkal, Tiruvannamalai District - 606604.
- 4.The President  
H.H.581, Kilpennathur Primary Agricultural  
Co-operative Credit Society, Kilpennathur Post,  
Tiruvannamalai District.

.. Respondents

W.P.No.27185 of 2019

E.Nithya

..Petitioner

vs

- 1.The Joint Registrar of Co-operative Societies,  
Office of the Joint Registrar,  
District Collector's Office Campus,  
Vengikkal, Tiruvannamalai District - 606604.

2.The Deputy Registrar of Co-operative Societies,  
Office of the Deputy The Tahsildar,  
District Collector's Office Campus,  
Vengikkal, Tiruvannamalai District - 606604.

3.The President  
H.H.581, Kilpennathur Primary Agricultural  
Co-operative Credit Society, Kilpennathur Post,  
Kilpennathur Taluk,  
Tiruvannamalai District.

4.S.Veerapandian

.. Respondents

Prayer in W.P.No.21592 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, based upon the petitioner's representation dated 27.06.2019 directing the 4<sup>th</sup> respondent herein to allot the shop to the petitioner by giving effect to the 2<sup>nd</sup> respondent order vide Na.Ka.No.3123/2019 dated 24.05.2019 THO.WAY.KOO.KA.SA appointed the petitioner as a Sales man under the 4<sup>th</sup> respondent Society.

Prayer in W.P.No.27185 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents 1 to 3 from appointing the 4<sup>th</sup> respondent as Salesman in H.H.581, Kilpennathur Primary Agricultural Cooperative Credit Society, Kilpennathur Post, Kilpennathur Taluk, Thiruvannamalai District without scrutinizing the genuineness of the consent letter of the petitioner.

For Petitioner : Mr.K.Narayanan  
(in WP.21592 of 2019)

For Petitioner : Mr.S.Arokia Maniraj  
(in WP.27185 of 2019)

For Respondents : Mr.L.P.Shanmugasundaram  
(in both Wps) Special Government Pleader

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## C O M M O N    O R D E R

Since the issue involved in both the Writ Petitions are one and the same a common order is being pronounced in both the Writ Petitions. The petitioner in W.P.No.21592 of 2019 is the son of the deceased employee. The petitioner in W.P.No.27185 of 2019 is the daughter of the deceased employee.

2. The petitioners' father Mr.Subramanian was working as a Salesman in the respondent Co-operative Society. On 30.07.2017, he died while he was in service leaving behind his surviving legal heirs Saraswathi, his wife, Nithya (the petitioner in W.P.No.27185 of 2019), his daughter, Veerapandian (the petitioner in W.P.No.21592 of 2019), his son and Vijayakumar, his another son. The petitioner in W.P.No.27185 of 2019 is referred to as daughter. The petitioner in W.P.No.21592 of 2019 is referred to as Son.

3. The case of the son is that he was appointed as a Salesman vide Na.Ka.3123/2019 THO.WAY.KOO.KA.SA dated 24.05.2019 on compassionate grounds. After obtaining appointment order from the Joint Registrar of Cooperative Societies, Vengikkal, Tiruvanamalai, he approached the President, H.H.581, Kilpennathur Primary Agricultural Co-operative Credit Society, Kilpennathur Post, Tirvanamalai District, to allot any one of the Shop. However, the President, H.H.581, Kilpennathur Primary Agricultural Co-operative Credit Society, did not allot any shop to the petitioner. On 27.06.2019, the son made representation to the President, H.H.581, Kilpennathur Primary Agricultural Co-operative Credit Society, to give an effect to the appointment order. However, till date the representation was not considered and hence, the Writ Petition in W.P.No.21592 of 2019 has been filed.

4. The case of the daughter is that her brother, Veerapandiayan (petitioner in W.P.No.21592 of 2019) played fraud and forged her signature as if she gave no objection to appoint him on compassionate grounds. On 27.05.2019, by virtue of the forged documents, the son of the deceased employee has attended certificate verification and appointment order was also issued to him. Hence, she has

filed the Writ Petition in W.P.No.27185 of 2019, to forbear respondent Society from appointing the son of the deceased employee as Salesman in H.H.581, Kilpennathur Primary Agricultural Cooperative Credit Society, Kilpennathur Post, Kilpennathur Taluk, Thiruvannamalai District.

5. Mr.K.Narayanan, learned counsel appearing for the son would submit that initially the daughter gave no objection for appointment of the son under compassionate grounds and later, due to her family dispute, she turned against the son and filed Writ Petition with allegations that her signature was obtained fraudulently. He would also submit that the daughter has been married and hence, she is not entitled to claim appointment under compassionate grounds. Therefore, he prayed this Court to issue direction to the respondent Society to consider the representation of the son dated 27.06.2019 and pass orders on merits.

6. Mr.Arokia Maniraj, learned counsel appearing for the daughter would submit that the son had played fraud and forged signature as if the daughter gave no objection to appoint him under compassionate grounds. Hence he urges this Court to forbear respondent Society from appointing the son as Salesman in H.H.581, Kilpennathur Primary Agricultural Cooperative Credit society, Kilpennathur Post, Kilpennathur Taluk, Thiruvannamalai District.

7. Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the Co-operative Society would submit that already the Joint Registrar of Co-operative Societies, Vengikkal, Tiruvannamalai appointed the son of the deceased employee as a Salesman. However, without challenging the said appointment, the Writ Petition filed by the daughter is not maintainable. He would also submit that the wife of the deceased employee is in the care and custody of the son. Therefore, he prayed this Court to direct the respondent Society to implement the proceedings in Na.Ka.3123/2019 Tho.Way.Koo.Ka.Sa dated 24.05.2019 by appointing the son.

8. Heard Mr.K.Narayanan, learned counsel appearing for the son of the deceased employee, Mr.S.Arokia Maniraj, learned counsel appearing for the daughter of the deceased

employee and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing on behalf of the respondent Cooperative Society.

9. A perusal of the record reveals that the Joint Registrar of Co-operative Societies, appointed the son of the deceased employee as Salesman vide order dated 24.05.2019 and without challenging the appointment order, the daughter of the deceased employee approached this Court by way of the Writ Petition is not maintainable.

10. Considering the fact that the son is taking care of his mother, the wife of the deceased employee and the daughter who got married long before and has separate family, this Court is inclined to pass the following order.

11. The Writ Petition in W.P.No.27185 of 2019 is dismissed with liberty to the daughter of the deceased employee to workout the remedy in the manner known to law. The Writ Petition in W.P.No.21592 of 2019 is disposed of with direction to the President, H.H.581, Kilpennathur Primary Agricultural Co-operative Credit Society, Kilpennathur Post, Thiruvannamalai District to comply with the order of the Joint Registrar of Co-operative Societies, within a period of 4 weeks from the date of receipt of a copy of this order, if there is no legal impediments. No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Registrar of Co-operative Societies,  
Office of the State Registrar,  
No.170, EVR High Ways,  
Kilpauk, Chennai-600010.
  - 2.The Joint Registrar of Co-operative Societies,  
Office of the Joint Registrar,  
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Vengikkal, Tiruvannamalai District - 606604.
  - 3.The Deputy Registrar of Co-operative Societies,  
Office of the Deputy Registrar,  
District Collector's Office Campus,  
Vengikkal, Tiruvannamalai District - 606604.
  - 4.The President  
H.H.581, Kilpennathur Primary Agricultural  
Co-operative Credit Society, Kilpennathur Post,  
Tiruvannamalai District.
- +1 cc to Mr.L.P.Shanmugasundaram Advocate sr88991  
+1 cc to Mr.Narayanan Advocate sr82494  
+2 ccs to Government Pleader sr82267 & 82269

W.P.Nos.21592 & 27185 of 2019 &  
W.M.P.No.26586 of 2019

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