

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Fifth day of September Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE T.RAJA

WMP No.28033 of 2019
AND WP.NO.14577 OF 1999

1 M/S.ALWARPET BENEFIT FUND LTD., [PETITIONER]
REP. BY ITS JOINT COMMISSIONER
T.VENKATACHALAM, (RETD. GENERAL MANAGER OF
TNSC BANK), 75, C.P.RAMASAMY ROAD, ALWARPET,
CHENNAI-600018.

Vs

1 K.S.P.V.SHANMUGAM [RESPONDENTS]
2 V.HARSHAVARDHAN
3 S.UNNAMALAI

(WHOSE ADDRESSES ARE NOT KNOWN, SINCE THEY ARE ABSCONDING)

(SINCE NO RELIEF HAS BEEN
SOUGHT FOR AGAINST OTHER RESPONDENTS, THEY
ARE NOT MADE AS PARTIES IN THE ABOVE WMP AND HENCE THEY
ARE GIVEN UP)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass suitable directions permitting Mr.T.Venkatachalam, Joint-Commissioner of M/s. Alwarpet Benefit Fund Limited, regarding the operation of the Bank Accounts bearing Nos. CA 893286355 and 898040359 held with M/s. Indian Bank, Abhiramapuram Branch, Chennai and other short-term deposits belong to M/s.Alwarpet Benefit Fund Ltd., Alwarpet, Chennai till the regular Commissioner is appointed by this Honble Court IN WMP.NO.28033 OF 2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of R.BHARATH KUMAR, Advocate for the petitioner the court made the following order:-

Mr.T.Venkatachalam, Joint Commissioner of M/s Alwarpet Benefit Fund Limited, who is the retired General Manager of TNSC Bank, has taken out this writ miscellaneous petition seeking permission to operate the bank accounts bearing Nos.CA 893286355 and 898040359 with M/s Indian Bank, Abhiramapuram Branch, Chennai and other short term deposits connected to M/s Alwarpet Benefit Fund Limited, Alwarpet, Chennai till the regular Commissioner is appointed by this court.

2. Mr.R.Bharath Kumar, learned counsel for the petitioner stated that Hon'ble Mr.Justice S.Padmanaban, a retired Judge of this Court, who was appointed by this Court as Commissioner, unfortunately passed away on 4.1.2007. Thereafter, Hon'ble Mr.Justice V.Bakthavatsalu, a retired Judge, was appointed as Commissioner on 2.2.2007, but, subsequently, he resigned. Again Hon'ble Mr.Justice A.Raman, a retired Judge of this Court, who was appointed as Commissioner, also passed away on 14.9.2019. In view of the change of circumstances, the Joint Commissioner is unable to operate the bank accounts independently. Therefore, unless a direction is issued permitting the Joint Commissioner to operate the bank accounts, the depositors will be seriously prejudiced. Besides, the day-to-day affairs of Alwarpet Benefit Fund Limited will be put to serious prejudice. Moreover, the urgent bills like the electricity consumption bill, telephone bill, ESI remittances and PF remittances ought to be paid before the 10th of every month. In view of the sudden demise of the Hon'ble Commissioner, Mr.Justice A.Raman on 14.9.2019, the bills towards electricity consumption, telephone, ESI, PF remittances and the monthly salary to the staff members are not being paid. Therefore, the staff members are facing huge problems to eke out their livelihood. Hence, a direction be issued permitting Mr.T.Venkatachalam, Joint Commissioner of M/s Alwarpet Benefit Fund Limited to operate the bank accounts maintained with M/s Indian Bank, Abhiramapuram Branch, Chennai till the regular Commissioner is appointed by this Court.

3. This Court, taking note of the fact that the Hon'ble Commissioner, Mr.Justice A.Raman appointed by this Court, unfortunately passed away on 14.9.2019, as a result Mr.T.Venkatachalam, who is the Joint Commissioner of M/s Alwarpet Benefit Fund Limited is unable to operate the bank accounts to pay the electricity consumption charges, telephone charges, ESI, PF remittances and also the monthly salary to the staff members, hereby permits Mr.T.Venkatachalam, Joint Commissioner of M/s Alwarpet Benefit Fund Limited to operate the bank accounts bearing Nos.CA 893286355 and 898040359 with M/s Indian Bank, Abhiramapuram Branch, Chennai and other short term deposits connected to M/s Alwarpet Benefit Fund Limited, Alwarpet, Chennai till the regular Commissioner is appointed by this Court. Needless to mention that proper accounts in this regard shall be maintained by the Joint Commissioner. The writ miscellaneous petition, accordingly, stands allowed.

-sd/-

25/09/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1. MR.T.VENKATACHALAM,
JOINT COMMISSIONER
M/S ALWARPET BENEFIT FUND LIMITED
75,C.P.RAMASAMY ROAD, ALWARPET CHENNAI-18.

2 THE MANAGER,
INDIAN BANK, ABHIRAMAPURAM BRANCH,
CHENNAI.

C.C. to R.BHARATH KUMAR Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

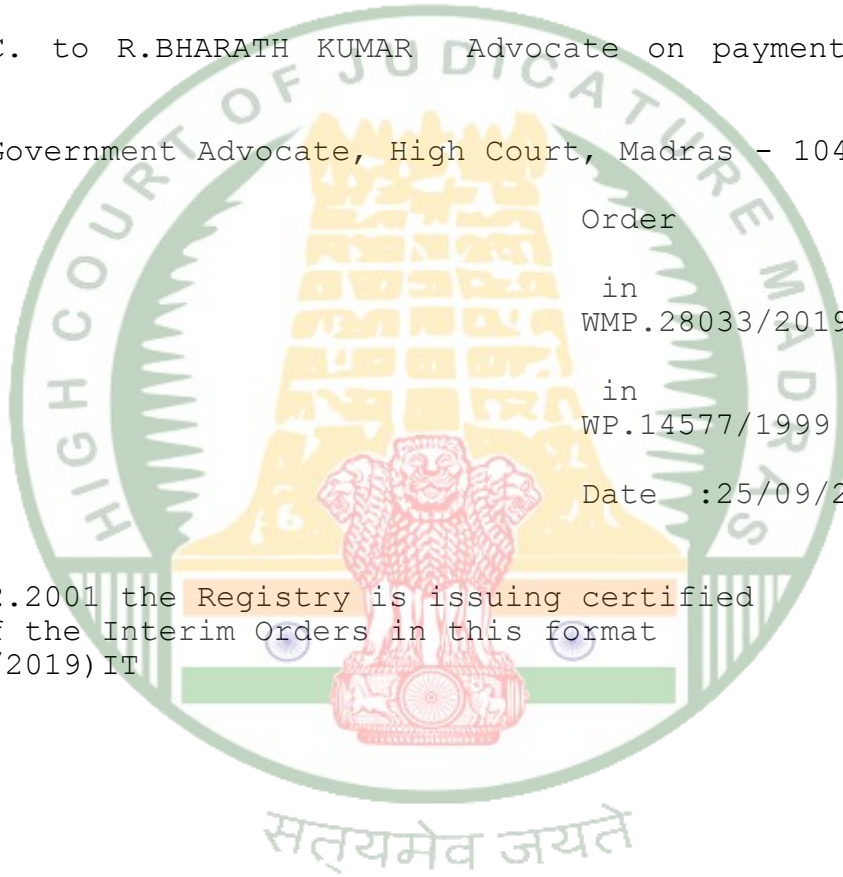
Order

in
WMP.28033/2019

in
WP.14577/1999

Date :25/09/2019

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