



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

W.P(MD)No.18199 of 2019 and

WMP(MD) .No. 14629 of 2019

M. Feroskhan

... Petitioner

Vs.

1. The Registrar (Housing Society),
The Tamil Nadu Co-operative Housing Society,
No.48, Vapperi,
Chennai -7.

2. Deputy Registrar Co-operative Housing Society,
O/o. the Deputy Registrar Co-operative Housing Society,
Virudhunagar Region,
DD Nagar, Maninagaram,
Virudhunagar.

3. Joint Registrar Co-operative Housing Society,
O/o. the Joint Registrar Co-operative Housing Society,
Virudhunagar Region,
Virudhunagar.

4. The President,
N.N.245, Singampunari Co-operative
House Construction Society Ltd.,
Sundaramnagar,
Singampunari,
Sivagangai District.

5. The Sub-Registrar (Housing Society),
O/o. the Sub Registrar Housing Society,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to sanction and disburse all retirement and monetary benefits of the petitioner's father viz., Kader Mydeen along with the accrued interest thereon in pursuant to the communication sent by the 2nd respondent to the 1st respondent in his letter dated



12.04.2014 and 19.04.2014 and the petitioner representation dated 10.08.2017 within a period that may be stipulated by this Court.

For Petitioner : Mr.Mohamed Imran for M/s.Ajmal Associates

For Respondents : Mr. A. Muthukaruppan
1 to 3 and 5 Additional Government Pleader

For R4 : Mr.C. Ramar
Additional Government Pleader

ORDER

This writ petition has been filed for issuing a direction to the respondents to sanction and disburse all retirement and monetary benefits of the petitioner's father viz., Kader Mydeen along with the accrued interest thereon in pursuant to the communication sent by the 2nd respondent to the 1st respondent in his letter dated 12.04.2014 and 19.04.2014 and the petitioner's representation, dated 10.08.2017 within a time frame to be fixed by this Court.

2. Mr.A. Muthukaruppan, learned Additional Government Pleader took notice for the respondents 1 to 3 and 5 and Mr. C.Ramar, learned Additional Government Pleader took notice for 4th respondent. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, the petitioner's deceased father was an employee under the 4th respondent / Society. After retirement, the petitioner's deceased father has made a representation to the authority to sanction the retirement benefits. But, the respondent has not passed any order. In the meantime, the petitioner's father died on 08.10.2014. Hence, the petitioner, who is one of the legal heir of the deceased employee made a representation, dated 10.08.2017 to the respondents to settle the monetary benefits of the petitioner's deceased father along with interest and the same has not been considered by the respondents so far. In such circumstances, the petitioner has filed the present Writ Petition before this Court.

4. The learned Additional Government Pleader appearing for the respondents would submit that if the petitioner is eligible to get an retirement benefits of the deceased employee, his representation will be considered by the respondent / Society in accordance with Rules after affording an opportunity of hearing to the 4th respondent Society within the time frame to be fixed by



5. Recording the said submission made by the learned Additional Government Pleader appearing for the respondents 1 to 3 and 5, this Court, without expressing any opinion on the merits of the petitioner's case, directs the 3rd respondent to consider the representation of the petitioner, dated 10.08.2017, and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the legal heir of the deceased petitioner's father viz., Kader Mydeen as well as the 4th respondent / Society, within a period of twelve weeks from the date of receipt of a copy of this order. Needless to say that the petitioner shall forward a copy of the representation along with a copy of this order to the third respondent, to enable him to comply with directions passed by this Court.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Registrar (Housing Society),
The Tamil Nadu Co-operative Housing Society,
No.48, Vapperi,
Chennai -7.

2. Deputy Registrar Co-operative Housing Society,
O/o. the Deputy Registrar Co-operative Housing Society,
Virudhunagar Region,
DD Nagar, Maninagaram,
Virudhunagar.

3. Joint Registrar Co-operative Housing Society,
O/o. the Joint Registrar Co-operative Housing Society,
Virudhunagar Region,
Virudhunagar.

4. The President,
N.N.245, Singampunari Co-operative House Construction Society
Ltd.,
Sundaramnagar,
Singampunari,
Sivakasi District.

<https://hcservicesgov.in/105617>



5.The Sub-Registrar (Housing Society),
O/o. the Sub Registrar Housing Society,
Sivagangai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-83060[F] dated
22/08/2019)

+1 CC to M/s.SPL GP (SR-83342[F] dated 26/08/2019)

TRP

W.P(MD)No.18199 of 2019 and
WMP(MD) .No. 14629 of 2019
22.08.2019

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