



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.Nos.12856 and 12857 of 2006
and
W.M.P.Nos.14451 & 14452 of 2006

1.T.A.Palanisamy ... Petitioner in W.P.No.12856 of 2006
2.S.DRaju ... Petitioner in W.P.No.12857 of 2006

-vs-

1. The Deputy Registrar of Coop. Societies,
Erode Circle, Erode-638 001.
2. No.P.E.12, Mettupalayam Primary Agricultural
Cooperative Bank Ltd.,
Rep. by its Special Officer,
Mettupalayam Post via Vellakoil,
Erode District. ... Common Respondents in both petitions

Prayer in W.P.No.12856/2006: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to pay the terminal benefits of Rs.4,97,360/- withheld by him, but due to the petitioner, including the Provident Fund and Gratuity with interest at 8%p.a. from the date of retirement till its payment.

Prayer in W.P.No.12857/2006: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to pay the terminal benefits of Rs.6,46,481/- withheld by him, but due to the petitioner, including the Provident Fund and Gratuity with interest at 8%p.a. from the date of retirement till its payment.

For Petitioner : Mr.T.Kishorekumar

For R1 : Mr.K.Magesh
Spl. Govt. Pleader

For R2 : Dismissed on 21.08.2012



C O M M O N O R D E R

These Writ Petitions have been filed for a direction to the 2nd respondent to release the terminal benefits of Rs.4,97,360/- & Rs.6,46,481/- respectively payable to the petitioners.

2. It is seen that the relief was sought by the petitioners from the 2nd respondent and as per the docket sheet, these Writ Petitions against R2 were ordered to be dismissed as early as on 21.08.2012 on account of non compliance of the requirements of the Registry / non payment of batta. Since then, eight years have gone by and there is no proof adduced to show that the petitioners have taken any steps to revive these Writ Petitions against R2. Moreover, even assuming that R2 was subsequently brought on record, in view of the judgment of this Court in the case of K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another reported in 2006-4-L.W.495, these Writ Petitions filed against the Co-operative Society, are not maintainable before this Court and the petitioners are not entitled to any relief.

3. In view of the above, these Writ Petitions are dismissed and the petitioners have to work out their remedy before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To:

The Deputy Registrar of Coop. Societies,
Erode Circle,
Erode-638 001.

+2cc to M/s. K.Premkumar, Advocate, Sr.No.24851 & 24852
+1cc to the Government Pleader, Sr.No.24977

W.P.Nos.12856 and 12857 of 2006

mti (co)
rr ii (01/12/2020)