



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.16792 of 2014

and

M.P.(MD)No.1 of 2014

and

W.M.P.(MD)No.18193 of 2018

R.Meerabai

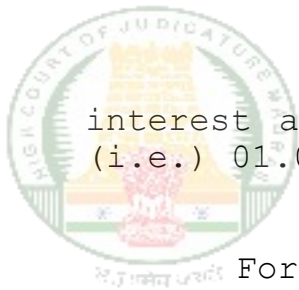
... Petitioner

-Vs-

- 1.The Registrar of Co-operative Housing Societies (Housing),
No.79, 4th Main Road,
Gandhi Nagar, Adayar,
Chennai-600 020.
- 2.The Deputy Registrar of Co-operative Societies (Housing),
Madurai Circle, KK Nagar,
Madurai-625 020.
- 3.The President,
No.975, The Madurai District Central Co-operative Bank Ltd.,
North Veli Street, Madurai 625 001.
- 4.The President,
A.1362, Meenakshi Co-operative Building Society,
No.21, Veduga Kaval Kooda Street,
North Masi Street,
Madurai 625 001.
- 5.The Assistant Divisional Manager,
Group and Superannuation Scheme,
LIC of India,
Madras Regional Office,
LIC Buildings, Anna Salai,
Chennai-2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the fourth respondent to disburse the terminal benefits to the petitioner in view of the death of the petitioner's husband namely, M.Saravanakumar, who was working as "Assistant" in the fourth respondent society, with an



interest at the rate of 12% per annum from the date of the death (i.e.) 01.05.2011, within the time stipulated by this Court.

For Petitioner : Mr.N.Sathishbabu

For Respondents : Mr.CM.Mari Chelliah Prabhu
Additional Government Pleader
(for R1 and R2)

Mr.D.Shanmugarajasethupathi (for R3)

Mr.S.Seenivasagam (for R4)

Mr.G.Prabhurajadurai (for R5)

ORDER

The relief sought for in the present writ petition is to direct the fourth respondent to disburse the terminal benefits to the writ petitioner on account of the death of the husband of the writ petitioner, Late.Mr.M.Saravanakumar, who was working as 'Assistant' in the fourth respondent society. Though the fourth respondent is a Co-operative Building Society, the writ petition is not entertainable before exhausting the remedy provided under the Tamil Nadu Co-operative Societies Act.

2.The fifth respondent/LIC of India filed a counter fairly by stating that the name of the husband of the writ petitioner was not included in the list provided by the fourth respondent bank and therefore, there is an omission and the amount has not been settled. However, in Paragraph No.5 of the counter affidavit, the fifth respondent in clear terms held that "as a special case and on ex gratia basis has decided to settle the claim of the writ petitioner for Rs.1,50,000/- in full quit provided that the Master Policy holder has to pay the premium in respect of the member for the year 2011-12".

3.As far as the other terminal and pensionary benefits are concerned, the learned counsel for the fourth respondent states that the benefits were already settled. However, the same is disputed by the writ petitioner. Thus, the petitioner is at liberty to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act by filing a revision petition in order to redress her grievances. **(*)The respondents are directed to settle the claim amount due to the writ petitioner within a period six weeks from the date of receipt of a copy of this order.**



4. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

(*) Amended as per order of this Hon'ble Court dated 04.12.2020

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The Registrar of Co-operative Housing Societies (Housing),
No.79, 4th Main Road,
Gandhi Nagar, Adayar,
Chennai-600 020.

2. The Deputy Registrar of Co-operative Societies (Housing),
Madurai Circle, KK Nagar,
Madurai-625 020.

+1 CC to SPL GP (SR-23148,24365[F] dated 27/11/2020)

+1 CC to Mr.G. PRABHU RAJADURAI, Advocate (SR-23176[F] dated 27/11/2020)

+1 CC to Mr.S.SEENIVASAGAM, Advocate (SR-23302[F] dated 30/11/2020)

W.P. (MD) .No.16792 of 2014
26.11.2020

VB (14.12.2020) 3P 6C