

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.04.2021

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.9169 of 2021

G.Selvi

...Petitioner

Vs.

1.Joint Registrar of
Co-operative Societies/Revisional Authority
Kancheepuram Zone
Kancheepuram

2.Villipakkam PrimaryAgriculture
Co-operative Credit Society
Rep by its President
Villipakkam Village
Soonampedu Post
Cheyyur Taluk
Chengelpet District-603 401

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the concerned from the 1st respondent, quash the order of the 1st respondent bearing Na.Ka.644/2021/Saba dated 10.02.2021 rejecting the revision petition and the order bearing NA.KA.644/2021/Saba dated 10.02.2021 of the 1st respondent directing the petitioner to make the request for release of the terminal benefits with the 2nd respondent and in the event he refuses to pay to appeal with the Deputy Registrar as illegal, arbitrary and contrary to law and consequently direct the 1st respondent to take the revision petition dated 30.01.2021 filed by the petitioner on record under Section 153 of the Tamil Nadu Co-operative Societies Act and decide the same on its merits and in accordance with law.

For Petitioner

: Mr.Balan Haridas

For Respondents

: Mr.L.P.Shanmuga Sundaram,
Spl.Govt.Pleader

ORDER

Petitioner husband was working as secretary of the 2nd respondent society died on 01.08.2019. On his demise the petitioner/wife filed a petition for settlement of terminal benefits due to him. Since no orders have been passed she preferred an revision before the 1st respondent which was rejected on 10.02.2021 for the reason that revision will lie only against the order passed by the original authority.

2. Mr.L.P.Shanmugasundaram, Special Government Pleader takes notice for the respondents.

3. The fact remains that petitioner sought settlement of terminal benefits on the demise of her husband who was working as secretary in the 2nd respondent society. No orders are required for settling the benefits. It is not the case of the respondents that the petitioner is not entitled to the terminal benefits due to the service rendered by her husband. The first respondent by virtue of his power should have passed order or directed the 2nd respondent to disburse the terminal benefits. But has simply rejected the revision on the ground that it is not preferred against any order. Therefore, the impugned order passed by the 1st respondent is without application of mind and accordingly it is set aside. Further, a direction is given to the 1st respondent to consider the case of the petitioner which is the subject matter of revision dated 30.01.2021, and pass orders on merits within a period of three months from the date of receipt of a copy of this order.

With the above direction, writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kpr
To

1.The Joint Registrar of
Co-operative Societies/Revisional Authority
Kancheepuram Zone,
Kancheepuram.

2.The President,
Villipakkam PrimaryAgriculture,
Co-operative Credit Society,
Villipakkam Village,
Soonampedu Post,
Cheyyur Taluk,
Chengelpet District-603 401.

+lcc to M/s.Balan Haridas, Advocate Sr.22822

+lcc to the Special Special Government Pleader Sr.23125

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pl[co]
srg 15/06/2021



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