



WEB COPY



W.P.No.10431 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.10431 of 2022

G2245, Tamil Nadu National Engineering
Industries Employee's Cooperative Thrift
and Credit Society Ltd.,
Rep. by its Secretary,
INTUC Bhawan, No.270,
MTH Road, Sidco Nagar Estate,
Ambattur, Chennai – 600 098.

... Petitioner

Vs.

1.The Deputy Registrar of Co-operative Society,
Poneri Circle, Thiruvallur District.

2.Chief Financial Officer,
M/s.Talbros Automotive Components Ltd.,
No.14/1, Mathura Road,
Faridabad Road – 121 003,
Haryana State.

3.The General Manger,
M/s.Talbros Automotive Corporation Ltd.,
No.128/1. Vanagaram – Ambattur Road,
Ayanambakkam,
Chennai 600 095.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to take action against the second and third respondents under Section 48 r/w. Rule 69 of Tamil Nadu Cooperative Societies Act & Rules and recover the amount of Rs.42,90,904/- with interest at the rate of 15% p.a. and fine of Rs.500/- each day from August 2014 till the payment pursuant to the petition filed by the petitioner society under Section 164(3) of the Tamil Nadu Cooperative Societies Act, 1983 on the file of the first respondent.

For Petitioner : Mr.S.Palaniswamy

For R1 : Mr.B.Tamilnidhi
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the first respondent to take action against the second and third respondents for alleged failure of the second and third respondents to comply with the requirement of Section 48 of the Tamil Nadu Cooperative Societies Act and Rule 69 of Tamil Nadu Cooperative Societies Rules and for not remitting the loan amount of Rs.42,90,904/- deducted from the benefits of their employees who are the members of the petitioner society and to recover the amount of Rs.42,90,904/- together with interest at the rate of 15% per annum and fine of Rs.500/- per day for



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default from August 2014 till date of payment, pursuant to the petition filed by the petitioner society under Section 164(3) of the Tamil Nadu Cooperative Societies Act, 1983 on the file of the first respondent.

2. When this case came up for admission on 25.04.2022, the learned counsel for the petitioner has sought time for producing documents to substantiate that the loan amount was deducted by the second and third respondents from the salary of employees who are the members of the petitioner society and same was not credited to the petitioner society and therefore, this case was adjourned. Consequently, no notice was ordered on the private respondents. Thereafter, this case was adjourned from time to time.

3. Today, the learned Additional Government Pleader appearing for the first respondent submits that the petitioner has been sending representations from 2017 and the last representation was sent by the petitioner to the first respondent on 15.03.2017. It is submitted that the representation of the petitioner will be considered and disposed. In any event, it is submitted that there could be few change in circumstances



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since last representation dated 15.03.2017 and therefore, the petitioner may be directed to give a fresh representation to the first respondent which will be considered and disposed on merits and in accordance with law.

4. Recording the same, the petitioner is directed to give a fresh representation to the first respondent within a period of thirty days from the date of receipt of a copy of this order.

5. On receipt of the same, the first respondent shall consider and pass appropriate orders on merits and in accordance with provisions of Tamil Nadu Cooperative Societies Act, 1983 and the Rules made thereunder, within a period of three months thereafter.

6. This Writ Petition stands disposed with the above observations.

No cost.

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Index: Yes/ No
Speaking/Non-speaking Order
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To

The Deputy Registrar,
Co-operative Society,
Poneri Circle, Thiruvallur District.



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C.SARAVANAN, J.

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