



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.NO.28196 OF 2021

R.Pushpalatha

..Petitioner

Vs

1. The Registrar,
Registrar of Co-operative Societies,
Kilpauk,
Chennai - 600 010.
2. The Joint Registrar,
Registrar of Co-operative Societies,
Villupuram,
3. The Deputy Registrar,
Registrar of Co-operative Societies,
NGO Nagar,
Thirukovilur Taluk,
Kallakurichi District.
4. Munian,
Secretary of PACS,
Manalurpet,
Thirukovilur Taluk,
Kallakurichi District.

..Respondents

Prayer:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the 3rd respondent to consider the petitioner's representation dated 09.07.2019 made by him to initiate disciplinary proceedings and withheld the retirement benefits of the 4th respondent till the disposal of the criminal proceedings pending in C.C.No.108/2017 and C.C.No.172/2017 before the Judicial Magistrate, Thirukovilur.

For Petitioner .. Mr.J.Abdul Rahim

For Respondents .. Mrs.S.Anitha
Special Govt.Pleader for R1 to R3



O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus to direct the 3rd respondent to consider the petitioner's representation dated 09.07.2019 and to initiate disciplinary proceedings and withheld the retirement benefits of the 4th respondent till the disposal of the criminal proceedings pending in C.C.No.108/2017 and C.C.No.172/2017.

2. The case of the petitioner is that her father was a retired teacher and after his retirement, he was running pawn broker business. Her father died on 12.12.2013. According to her, her father had SB account and jewels loan account in the 4th respondent Society.

3. After her father's death, according to the petitioner, the 4th respondent appeared to have colluded with the petitioner's sister and brother and withdrawn the jewels and cash from her father's account without proper documentation or without having specific legal heir certificate. In the said circumstance, she appeared to have submitted an application under R.T.I. Act, requesting for furnishing statement of accounts. Later on, she came to learn that the funds belonging to her late father were misappropriated by forging of documents with the active collusion of the 4th respondent.

4. In the above circumstances, the petitioner stated to have represented on 09.07.2019 to the 3rd respondent to initiate disciplinary proceedings against the 4th respondent and withhold his retirement benefits. According to her, the criminal case is pending in connection with C.C.No.108 of 2017 and C.C.No.172 of 2017 before the Judicial Magistrate Court, Thirukovilur.

5. This Court is unable to appreciate the prayer as sought in the writ petition as from the above factual narrative, it could be seen that the dispute is entirely a private dispute between the petitioner and her family members. In regard to the allegation made against the 4th respondent, the criminal cases are stated to be pending before the criminal court and it also appears that some enquiry has also been initiated under section 81 of the Co-operative Societies Act.

6. In the said circumstances, involving the constitutional jurisdiction of this Court to issue a Writ of Mandamus to the 3rd respondent to take action against the 4th respondent is not called for. On no account, this Court can be a party to direct any official to initiate any disciplinary proceedings against another government servant on the basis of the self serving averments of the petitioner, who is obviously having an axe to



grind against the 4th respondent and such direction is impermissible in law.

7. It is always open to the petitioner to work out her remedy in the manner known to law but certainly, it is not open to involve the extraordinary jurisdiction of this Court for settling her personal scores with the 4th respondent. The writ petition appears to be motivated, intended to achieve a collateral purpose and hence, it cannot be entertained.

8. For the above said reasons, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Registrar,
Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.
2. The Joint Registrar,
Registrar of Co-operative Societies,
Villupuram,
3. The deputy Registrar,
Registrar of Co-operative Societies,
NGO Nagar,
Thirukovilur Taluk,
Kallakurichi District.

Copy To

The Judicial Magistrate Court,
Thirukovilur.

+1cc to the Government Pleader, S.R.No.1670

W.P.No.28196 of 2021

PMK (CO)
RLP (07/02/2022)