



W.A.No.2806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2022

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE S.SOUNTHAR

W.A.No.2806 of 2022

1.Jayalakshmi

2.Bhagyalakshmi

3.R.Kulasekaran

4.Balasubramani (alias) Sakthikumar

5.Rajalakshmi

... Appellants

Vs

The Deputy Registrar of Cooperative Societies

Thiruvannamalai Circle, Thiruvannamalai

... Respondent

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order dated 21.11.2022 passed in W.P.No.30157 of 2022.

J U D G M E N T

(Judgment of the Court was delivered by C.V.KARTHIKEYAN, J.)

The writ appeal has been filed questioning the order dated 21.11.2022 in W.P.No.30157 of 2022.

2. The appellants are the legal heirs of one E.Prema, who was appointed under compassionate appointment scheme in Tiruvannamalai District Central



W.A.No.2806 of 2022

Cooperative Bank on the demise of her husband Elumalai, who was working as a staff. She faced surcharge proceedings for alleged misappropriation of funds between 19.09.2015 and 09.08.2016. A surcharge order is said to have been passed against her. The writ petition had been filed for a mandamus seeking direction against the respondent viz., District Registrar of Cooperative Societies, Tiruvannamalai to pass orders on a petition filed under Rule 135 of the Tamil Nadu Cooperative Societies Rules, 1988, which is a statutory provision. When a representation is given taking recourse to that particular rule, there is an obligation placed on the authority to give an answer to such representation. The petition is dated 08.09.2022 and since it had not been responded to by the authority, the writ petition came to be filed.

3. The learned Single Judge was however of the view that since a surcharge appeal is also pending before the Tribunal, the petitioners / appellants herein should implead themselves in the said proceedings and then seek for further reliefs. But independent of that, the representation under Rule 135 which is statutory in nature, has to be considered by the respondent.

4. We would therefore dispose of this writ appeal by giving a direction to the respondent to consider the representations dated 08.09.2022 and also 21.09.2022 under Rule 135 of the Tamil Nadu Cooperative Societies Rules and



W.A.No.2806 of 2022

pass necessary orders following the principles of natural justice by issuing notice to the appellants and on behalf of the appellants any one duly authorised may appear in person. The respondent, after hearing such authorised person shall pass necessary orders within a period of four weeks from the date of the hearing. The writ appeal is disposed of accordingly. No costs.

(C.V.K.,J.) (S.S.,J.,)
28.12.2022

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

The Deputy Registrar of Cooperative Societies
Thiruvannamalai Circle, Thiruvannamalai



WEB COPY



W.A.No.2806 of 2022

C.V.KARTHIKEYAN, J.
AND
S.SOUNTHAR, J.

kst/nsd

W.A.No.2806 of 2022

28.12.2022