



WEB COPY

W.P.(MD).No.8440 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.06.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.8440 of 2011

and

M.P. (MD) .No.1 of 2011

M.Swaminathan

... Petitioner

Vs.

1.The Special Officer,
Thiruvanaikkovil Co-operative
Urban Bank Limited No.5955,
48 - Sannadhi Street,
Thiruvanaikkovil,
Trichy - 5.

2.The Liquidator,
Thiruvanaikkovil Urban Co-operative Bank,
Trichy.

3.The District Registrar,
Co-operative Societies,
Rajamalai Colony,
Trichy - 20.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the third respondent under Rule 119 of the Tamil Nadu Co-operative Societies Rules and quash the same as illegal.

For Petitioner : Mr.B.Jeyakumar

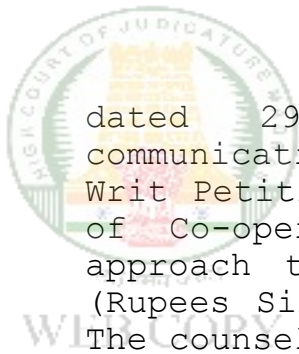
For Respondents : Mr.P.Thilak Kumar,
Government Advocate.

ORDER

The present Writ Petition has been filed by the employee of the first respondent Co-operative Society challenging an order of attachment under Rule 119 of Co-operative Societies Rule under which he was directed to deposit a sum of Rs.1,82,890/- to avoid further proceedings.

2. The learned counsel for the petitioner produced a copy of the two communications received from the Deputy Registrar of Co-operative Societies, Trichy Region. These two communications are

<https://hcservices.ecourts.gov.in/hcservices/>



dated 29.09.2011 and 27.10.2011. Admittedly, these two communications are received by the petitioner after filing of the Writ Petition. As per the said communication, the Deputy Registrar of Co-operative Society has requested the writ petitioner to approach the Co-operative Bank and receive a sum of Rs.67,030/- (Rupees Sixty Seven Thousand and Thirty only) which is due to him. The counsel for the writ petitioner agrees that he will be satisfied if the said amount is paid to him. Since the authority higher than the first respondent has already directed the writ petitioner to receive a sum of Rs.67,030/- and the petitioner has also accepted to receive the same, nothing remains to be adjudicated in the present Writ Petition.

3. The first respondent Co-operative Bank is directed to pay the writ petitioner a sum of Rs.67,030/- (Rupees Sixty Seven Thousand and Thirty only) as found in the communication of the Deputy Registrar of the Co-operative Societies in its communication dated 29.09.2011 and 27.10.2011 within a period of eight (8) weeks from the date of receipt of a copy of this order. According to the writ petitioner, though he has got superannuated, he has not been paid terminal benefits. Therefore this Court directs the first respondent Society to pay terminal benefits to the petitioner as expeditiously as possible.

4. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Nsr

To

- 1.The Special Officer,
Thiruvanaikkovil Co-operative
Urban Bank Limited No.5955,
48 - Sannadhi Street,
Thiruvanaikovil,
Trichy - 5.
- 2.The Liquidator,
Thiruvanaikkovil Urban Co-operative Bank,
Trichy.



3.The District Registrar,
Co-operative Societies,
Rajamalai Colony,
Trichy - 20.

+1 CC to M/s.B.JEYA KUMAR, Advocate (SR-25507[F] dated 14/06/2022)

+1 CC to M/s.SPL.GP. (SR-25576[F] dated 14/06/2022)

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RD(23.06.2022) 3P 6C