



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1483 of 2023

D.Dheepan

Petitioner

vs.

1.The President,
Chengalpattu Electricity System Employees,
Cooperative Thrift & Credit Society Ltd K.P. (SPL)22,
Railway Road,
Kancheepuram.

2.The Chairman,
Executive Committee,
Chengalpattu Electricity System Employees,
Cooperative Thrift & Credit Society Ltd K.P. (SPL)22,
Railway Road,
Kancheepuram.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of petitioner dated 19.10.2022 seeking for the inclusion of Provident Fund and group insurance scheme to the petitioner.

For Petitioner : Mr.K.Venkateswaran

For Respondent : Mr.Needhi Perumal
Government Advocate

**ORDER**

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This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 19.10.2022, wherein, the petitioner has sought for inclusion of the Provident Fund and Group Insurance Scheme for the petitioner in order to enable the petitioner to get the attendant benefits.

2. Heard Mr.K.Venkateswaran, learned counsel appearing on behalf of the petitioner and Mr.Needhi Perumal, learned Government Advocate appearing on behalf of the respondents.

3.It is an admitted case that the petitioner was a Member of the Society and the relief has been sought for is as against the Cooperative Society. Earlier, writ petitions used to be entertained as against the Society by virtue of the 97th Amendment that was brought into the Constitution of India. However, the 97th Amendment has been struck off by the Apex Court and pursuant to the same, the Division Bench of this Court in ***P.Manimaran vs. The Joint Registrar/Managing Director, Sivagangai District Central Co-operative Bank Ltd., Sivagangai & another*** reported in **2022 3 LW 78** has held that the original position has been restored as held in Marappan's case and hence, a writ petition



is not maintainable against the Co-operative Societies.

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4.This Court is bound by the judgment of the Division Bench and hence, this writ petition cannot be entertained. In view of the same, liberty is given to the petitioner to work out his remedy in accordance with the provisions of the Co-operative Society Act before the competent authority.

5.In the result, this writ petition stands dismissed. No Costs.

02.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

1.The President,
Chengalpattu Electricity System Employees,
Cooperative Thrift & Credit Society Ltd K.P. (SPL)22,
Railway Road, Kancheepuram.

2.The Chairman,
Executive Committee,
Chengalpattu Electricity System Employees,
Cooperative Thrift & Credit Society Ltd K.P. (SPL)22,
Railway Road, Kancheepuram.



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N. ANAND VENKATESH, J.

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