



WEB COPY



W.P.No.8184 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HONOURABLE MR. JUSTICE Dr.D.NAGARJUN

W.P.No.8184 of 2015

S.Arulmozhi

... Petitioner

Vs.

1. Food Corporation of India,
Rep. by its Area Manager,
Cuddalore District.

2. The Registrar General of Co-operative Societies,
Government of India, New Delhi.

3. The President / Secretary,
F.C.I. Employees Co-op. Thrift Society Ltd.,
New No.40, Old No.133, II Floor,
Vepery High Road, Periamet,
Chennai-3.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Ceriorarified Mandamus, directing the third respondent to consider the representation of the petitioner dated 04.09.2014 for payment of the amount in the Benevolent Fund due to the petitioner deceased husband lying with the third respondent Society to the petitioner within the stipulated time to be fixed by the Honourable Court



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For Petitioner : Mr.M.Abdul Malik
For Respondents : No Appearance (for R1 & R3)
Dr.D.Simon, CGSC for (R2)

ORDER

The petitioner has filed this writ petition for a direction for the respondents to consider the representation of the petitioner dated 04.09.2014 for payment of the amount in the Benevolent Fund, due to the petitioner's deceased husband lying with the third respondent Society, to the petitioner.

2. The facts in brief as per the affidavit enclosed herein are that this writ petition would show that the petitioner's husband (late) J.Vishwanathan passed away on 26.10.2002 while in service of the first and third respondents herein, leaving behind the petitioner and his 2 children.

3. As per Section 22(2) of the Co-operative Societies Act, 1912, on the death of a member, a registered society may pay all the money due to the deceased member from the Society to the deceased nominee, heir or



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legal representatives as the case may be. However, the petitioner being the nominee has requested the third respondent Society to pay her the Benevolent fund due to her deceased husband by submitting a representation dated 04.09.2014 but it is not considered yet by the respondent. Thus, the petitioner is constrained to file the present writ petition.

4. The third respondent filed a detailed counter stating that apart from the statutory function, the Society also has a welfare measure designed as Family Welfare Deposit which is not a part of the provisions of MSCS Act 2002, under which the third respondent society is registered. The welfare measures and the scheme formulated is not benefiting the family members of the scheme holder but only the scheme holders who opted and subscribed to the said scheme by making some payment. It is also mentioned that the said scheme is not a part of MSCS 2002 Act and Rules therein.

5. Heard learned counsel for the petitioner as well as the counsel appearing for the respondents and perused the records.



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6. Leaving aside the issue as to whether the petitioner is entitled for the benefit under the said benevolent scheme or not, if at all the petitioner's husband is a member of that scheme or not, and whether the rules made thereunder will provide any benefit to his family members or not, the respondent should have disposed of the petitioner's representation replying the petitioner as to whether the the petitioner is entitled for any relief as per the rules.

7. Accordingly, this writ petition stands **disposed off** directing the 3rd respondent to dispose of the representation of the petitioner dated 04.09.2014, as quickly as possible within eight (8) weeks from the date of receipt of a copy of this order. However, there shall be no orders as to costs.

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Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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Dr.D.NAGARJUN. J.,

(sha)

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