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W.P.No.26473 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26473 of 2023

S.A.52, Attur Municipal and Teachers,
Co-Operative Thrift and Credit Society Ltd,
Rep by its Secretary,
A.Elangovan,
S/o. Arumugam,
Atthnarpatty Village & Post,
Valapady Taluk,
Salem District.

...Petitioner

Vs.

1.The Director,
Municipal Administrative Department,
No. 78, Administrative Building,
Santhome High way Road,
Chennai – 600 028.

2. The Regional Director,
Municipal Administrative Office,
Arisipalayam Village & Post,
Salem District – 636 009.

3. The Commissioner,
Attur Municipality,
Attur Taluk,
Salem District.

...Respondents



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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 claim of the petitioner with regards to payable of loans Recovery dues amount Rs. 1,05,93,265/- (One Crore Five Lakhs and Ninety Three Thousand Two Hundred and Sixty Five) by considering the petitioner representation dated 28.06.2023.

For Petitioner : Mr. G.Punniakoti

For Respondents : Mr.S.Anith
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents to consider the claim of the petitioner with regard to the payment of loan recovery dues to the tune of Rs. 1,05,93,265/- (One Crore Five Lakhs and Ninety Three Thousand Two Hundred and Sixty Five) by considering the petitioner's representation dated 28.06.2023.

2.According to the petitioner, he is a Secretary of Attur Municipal Employees and Teachers Co Operative Thrift and Credit Society Limited. The employees of 3rd respondent Municipality are the members of the petitioner Society. There is a written agreement between the petitioner Society and the



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employees of 3rd respondent Municipality, whereunder the employees of 3rd respondent Society agreed that whenever amount is due to the Society in case of request by the petitioner, the 3rd respondent Municipality shall take steps to recover the same from the salary of its employees. The 3rd respondent Municipality has statutory obligation under Section 48(1)(a)(b) of the Tamil Nadu Co Operative Societies Act, to deduct amount due from its employees to the petitioner Society as per the request specifically made by the Society. Since the 3rd respondent Municipality failed to cooperate with the petitioner Society for deduction of salary as per the request of the petitioner a sum of Rs. 1,05,93,265/- (One Crore Five Lakhs and Ninety Three Thousand Two Hundred and Sixty Five) remains unpaid to the petitioner. In this regard, the petitioner submitted a representation to the 3rd respondent on 28.06.2023, requesting him to recover the due amount from the salary of its employees and credit the same to the account of the Society. The said representation has not been considered till date. Therefore, the petitioner Society has come up with this writ petition.

3.Mrs.S.Anitha, learned Special Government Pleader takes notice for the respondents.



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4. In view of the limited prayer made by the petitioner seeking direction to consider his representation dated 28.06.2023, this Court without expressing on opinion on the merits of the claim made by the petitioner, is inclined to direct the 3rd respondent to consider the representation of the petitioner dated 28.06.2023 and pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

11.09.2023

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



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S.SOUNTHAR, J.
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