



W.P.No.34840 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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HVF (Heavy Vehicles Factory employees
Co-operative Thrift & Credit Society Ltd.,)
Regn. No.K.P.(Spl)180,
Represented by its President
Mr.M.Muthu,
M.B.No.26A,HVF Estate,
Avadi, Chennai – 600 054.

... Petitioner

Vs.

1. The Joint Registrar of Co-operative societies,
Thiruvallur District.
2. The Deputy Registrar of Co-operative Societies,
Thiruvallur District.
3. The Heavy Vehicles Factory,
Represented by its General Manager,
Avadi, Chennai – 54.

4. E.Vatchala

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the 2nd respondent to receive



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the execution petition filed by the petitioner dated 21.09.2022 and to take cognizance on the application of the petitioner and thereby to recover the sum dues from the pension amount payable by the 3rd respondent to the 4th respondent in accordance with law and to pay the same to the petitioner.

For Petitioner : Mr.G.Ilamurugu

For Respondents : Ms.M.Jayanthi,
1 & 2 Additional Government Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to receive the Execution Petition dated 21.09.2022 filed by the petitioner and to recover the dues from the pension amount payable by the third respondent to the fourth respondent, in accordance with law and to pay the same to the petitioner.

3.The petitioner is having an Award in its favour for a sum of Rs.7,49,009/- and the said Award has been passed under Section 90 of the



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Tamil Nadu Co-operative Societies Act 30 of 1983. The petitioner seeks for early enforcement of the said Award.

4.The petitioner has filed an Execution Petition before the second respondent on 21.09.2022 to execute the aforementioned Award. The petitioner also claims that the Award passed against the 4th respondent in favour of the petitioner has also attained finality, since the said Award has not been challenged by the fourth respondent.

5.Heard Mr.G.Ilamurugu, learned counsel for the petitioner and Ms.M.Jayanthi, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2. Since no adverse orders are passed against the fourth respondent in this writ petition, notice to the fourth respondent is dispensed with.

6.No prejudice would be caused to the respondents 1 to 3, if a direction is issued to the second respondent to execute the Award, dated



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06.06.2019, passed in favour of the petitioner against the fourth respondent as expeditiously as possible, after issuing notice to the fourth respondent.

7. For the foregoing reasons, this Court directs the second respondent to execute the Award passed in favour of the petitioner on 06.06.2019 in Claim No.68/2018-19 under Section 90 of the Tamil Nadu Co-operative Societies Act 30 of 1983 as expeditiously as possible, after issuing notice to the fourth respondent.

8. With the aforesaid reasons, this writ petition is disposed of. No costs.

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Index: Yes/No

To

1. The Joint Registrar of Co-operative societies,
Thiruvallur District.
2. The Deputy Registrar of Co-operative Societies,
Thiruvallur District.

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