



W.P. No.33980 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.33980 of 2022

Heavy Vehicles Factory Employees
Co-operative Thrift & Credit Society Ltd.,
Regn. No.K.P. (Spl) 180,
Represented by its President M.Muthu .. 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. V. Murugesan .. Respondents

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



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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 : Mr.T.K. Saravanan
Govt. Advocate for R1 to R3

ORDER

By consent of both parties, these writ petitions are taken up for final disposal in the admission stage itself.

2. Mr. T.K. Saravanan, learned Government Advocate accepts notice for the respondents.

3. This writ petition has been filed for a limited relief.

4. The petitioner is having an Award in his favour for a sum of Rs.2,29,306/- and the said Award has been passed under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. The petitioner seeks for early enforcement of the said Award.

5. 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 fourth respondent in favour of the petitioner has also attained finality, since the said Award has not been challenged by the fourth respondent.

6. Heard Mr.G.Ilamurugu, learned counsel for the petitioner and



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Mr.T.K. Saravanan, learned Government Advocate for the respondents 1 to 3. Since no adverse orders are passed against the fourth respondent in this writ petition, notice to the fourth respondent is dispensed with.

7. 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 05.07.2019, passed in favour of the petitioner against the fourth respondent as expeditiously as possible, after issuing notice to the fourth respondent.

8. For the foregoing reasons, this Court directs the second respondent to execute the Award passed in favour of the petitioner on 05.07.2019 in Claim No.81/2018-19 under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 as expeditiously as possible after issuing notice to the fourth respondent.

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

19.01.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral citation case : Yes / No
vsi2



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ABDUL QUDDHOSE, J.

vsi2

To :

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

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