



W.P(MD)No.1152 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:20.04.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P(MD).No.1152 of 2023**

D.Devaki

... Petitioner

Vs

1. The Deputy Registrar of Cooperative Societies,  
Tiruchirappalli Circle, Tiruchirappalli - 620 020.
2. The Secretary,  
YT50, Tiruchirappalli District Public Health Department  
Employees Cooperative Thrift and Society Limited,  
EVR Road, Puthur, (Opp. to Super Market),  
Tiruchirappalli – 620 017

... Respondents

**Prayer:**Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to close the Membership of the petitioner in YT50, Tiruchirappalli District Public Health Department Employees Cooperative Thrift and Society Limited, EVR Road, Puthur, Tiruchirappalli and issue 'no-due certificate' so as to enable the petitioner to get retirement benefit, by considering the petitioner's representation, dated 24.12.2021.



For Petitioner

:Mr. D.Shanmugaraja Sethupathi

For R1 to R3

:Mr.S.Shanmugavel

Additional Government Pleader

### **ORDER**

The writ petition had been filed in the nature of mandamus, seeking a direction against the respondents particularly the second respondent/Secretary of YT50, Tiruchirappalli District Public Health Department Employees Cooperative Thrift and Society Limited, EVR Road, Puthur, Tiruchirappalli to close the membership of the petitioner and issue 'no-due certificate', so that the petitioner would get retirement benefit. The petitioner had given a representation on 24.12.2021.

2.The petitioner was a member of the said society. As a member of the society, she was entitled to obtain a loan. She had also obtained the loan. The payment was made from her monthly salary for a period of 36 months. The loan was remitted to the Society, by her employer, till January 2005. Since the Society became defunct and it was closed from December 2004, no demand was raised by the Society and the employer also did not deduct the EMI from her salary.



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3.The petitioner attained the age of superannuation and for retirement benefits, she has to produce 'no-due certificate' from the society. Naturally, it could not be issued, because there was an outstanding amount of loan.

4.The petitioner had filed a writ petition in WP(MD)No.2498 of 2019 and the petitioner was directed to raise a dispute under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. Therefore, the petitioner has raised a dispute and the same was dismissed by the first respondent holding that the petitioner has to pay 84,400/-, along with accrued interest.

5.Challenging that particular award, the petitioner had filed a statutory appeal, before the Principal District Court in CMA(CS)No.22 of 2021.

6.In the counter affidavit filed by the respondents, it is stated that the matter had been posted for Judgment on 16.03.2023. It is not informed to this Court whether the Judgment was delivered or not.



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7.The petitioner had paid the entire amount and the respondents have also received the same. The petitioner, therefore, filed a petition for issuance of 'no-due certificate', which would enable the petitioner to receive the retirement benefits.

8.In the counter affidavit, it had been particularly admitted that the petitioner had deposited Rs.45,911/-, which was termed as balance amount and it had also been stated that she has remitted the said amount “with objections”.

9.I that said reservation of right cannot be given any credence. Since the petitioner has paid the loan amount to the second respondent and the second respondent has also received the said amount, there is no relationship of borrower or lender between the second respondent and the petitioner herein.

10.A direction is, therefore, given to the petitioner to go over to the office of the second respondent in the **first week of May, 2023** and the second respondent and petitioner to reconcile the amounts already paid and as



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stated in the counter affidavit, if the amount had already been received, within a period of two weeks thereafter, irrespective of whether the CMA is pending or not, the respondent may issue 'no-due certificate'. Even though the petitioner had paid the amount, if the order has not been passed in the aforementioned CMA(CS)No.22 of 2021, the learned Principal District Judge may pass orders, based on the materials produced before him/her.

11.With the above directions, this Writ Petition stands disposed.

No costs.

**20.04.2023**

NCS :Yes/No  
Index :Yes/No  
Internet:Yes/No  
PNM

To

1. The Deputy Registrar of Cooperative Societies,  
Tiruchirappalli Circle, Tiruchirappalli - 620 020.
2. The Secretary,  
YT50, Tiruchirappalli District Public Health Department  
Employees Cooperative Thrift and Society Limited,  
EVR Road, Puthur, (Opp. to Super Market),  
Tiruchirappalli – 620 017



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**C.V.KARTHIKEYAN, J.**

PNM

ORDER IN  
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