



W.P.(MD)No.8718 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8718 of 2020

and

W.M.P(MD) Nos.8032 & 8033 of 2020

S.Pushpa Valli

: Petitioner

Vs.

1. The Regional Deputy Registrar of Housing,
(Full Additional Incharge),
O/o. the Regional Deputy Registrar of Housing
Trichy.
- 2 The Co-Operative Sub Registrar of Housing
O/o.The Co-Operative Sub Registrar of Housing,
Trichy.
3. M.M.302, Pudukottai Co-Operative Housing, Society Ltd.,
Rep by its President,
Keela Raja Veethi,
Canara Bank Upstairs,
Pudukkottai - 622 001,
Pudukkottai District.



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4. Thirumayam Taluk Co-operative Housing Society Ltd.,
Try-Hsg-38 3/406,
Rep. by its President,
Sathiyamoorthy Nagar 2nd Street,
Thirumayam,
Pudukkottai District.

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.21/2020/Saba dated 27.1.2020 and the consequential Impugned Order in Na.Ka.21/2020/Saba dated 27.01.2020 on the file of the Respondent No.1 sent on 10.7.2020 and quash the same as illegal and consequently for a direction directing the Respondents to disburse the terminal benefits of the Petitioners husband such as earned leave, provident fund, gratuity and other benefits along with proportionate interest to the petitioner.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Baskaran
Additional Government Pleader



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ORDER

This writ petition has been filed to quash the Impugned Order in Na.Ka.21/2020/Saba dated 27.1.2020 and the consequential Impugned Order in Na.Ka.21/2020/Saba dated 27.01.2020 on the file of the Respondent No.1 sent on 10.7.2020 and consequently to direct the Respondents to disburse the terminal benefits of the Petitioner's husband such as earned leave, provident fund, gratuity and other benefits along with proportionate interest to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner's husband who was working as a Secretary in the fourth respondent Society, had committed suicide due to the harassment caused by the third respondent and other officials, while discharging his duty as Secretary-in-charge and her husband died on 18.11.2019. Thereafter, the petitioner had lodged a complaint and an FIR was registered in Crime No. 258 of 2019, on the file of Thirukokarnam Police Station, Pudukkottai and



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the petitioner was not disbursed with any terminal benefits of her husband, till date. But to the shock and surprise, the third respondent issued the impugned order attaching her property for the purpose of recovering a sum of Rs.5,50,000/- alleged to be the loss caused to the third respondent Society by the petitioner's husband. Challenging the same the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that though the respondents have power to pass the impugned order in terms of Section 167(1) of the Tamil Nadu Co-operative Societies Act, however, in order to resolve the dispute, the terminal benefits as on date not disbursed in favour of the petitioner. The respondent may deduct the due amount of the petitioner's husband with 12.75% interest and pay the balance amount to the petitioner with 6% interest from the date of entitlement, till the date of payment.

4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's husband has to pay the alleged



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misappropriation amount of Rs.5,50,000/- with interest 12.75% per annum to M.M.302, Pudukottai Co-Operative Housing Society and after deducting certain amount the terminal benefits of the petitioner's husband will be paid to the petitioner with interest of 4% per annum within a period of six months from the date of receipt of a copy of this order.

5. In view of the consent expressed by the learned counsel for the petitioner and the learned standing counsel for the respondents, admittedly, there was a huge due payable by the respondents to the petitioner's husband to the tune of Rs.26,00,000/-, whereas, the present attachment order is only for Rs.5.5 lakhs and in view of the fair submission made by the learned counsel appearing for the petitioner, this Court directs the respondents to recover Rs.5.50 lakhs with interest 12.75% per annum from the petitioner, as alleged amount. The first respondent is directed to disburse the balance terminal benefits in favour of the petitioner with 6% interest per annum, from the date of entitlement, till the date of disbursement.



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6. In view of the above consent order, the present impugned order is set aside and the writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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M.DHANDAPANI, J.

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