



W.P.No.23879 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.23879 of 2021

R.Pushpalatha

... Petitioner

Vs.

- 1.The Registrar,
Registrar of Co-operative Societies,
Kilpauk, Chennai 600 010.
- 2.The Managing Director,
Villupuram District Central Co-operative Bank,
Kallakurichi District.
- 3.The General Manager,
Villupuram District Central Co-operative Bank,
Kallakurichi District.
- 4.Subbarayan, Branch Manager,
Villupuram District Central Co-operative Bank,
Manalurpet Branch,
Kallakurichi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 22.07.2021 made by the petitioner to take departmental action and disciplinary proceedings against the 4th respondent.



W.P.No.23879 of 2021

For Petitioner : Ms.R.Santhiya

For Respondents : Mr.Yogesh Kannadasan, Spl.GP for R1
Mr.R.Arumugam for R2 & R3
Mr.B.Anand for R4

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 22.07.2021 made by the petitioner to take department action and disciplinary proceedings against the 4th respondent.

2. Heard Ms.R.Santhiya, learned counsel for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader for R1, Mr.R.Arumugam, learned counsel for R2 & R3 and Mr.B.Anand, learned counsel for R4.

3. The petitioner claims herself as one of the daughters of the deceased Ramasamy who held bank account with the third respondent,



W.P.No.23879 of 2021

Villupuram District Central Co-operative Bank. The petitioner has filed this Writ Petition seeking a direction to be issued to the first respondent to initiate disciplinary action against the fourth respondent for disbursing the amount lying in the account of K.Ramasamy to the other legal heirs of the deceased Ramasamy, subsequent to his death.

4. The petitioner who has got a cause of action for civil or criminal action, cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India for issuing a Writ of Mandamus against the first respondent. A private criminal complaint has already been filed in this regard in C.C.No.189 of 2017 before the learned Judicial Magistrate, Thirukoilur and an investigation has been ordered.

5. It is submitted by the learned Special Government Pleader for the first respondent that consequent to the investigation, there is no ground to make out the charges against the fourth respondent and there is no misappropriation.



W.P.No.23879 of 2021

6. If the petitioner is aggrieved due to the disbursal of the amount to the other legal heirs leaving herself, she is at liberty to file a civil suit for recovery of her share from the other legal heirs and claim damages from the fourth respondent. Hence, this Writ Petition is not maintainable and liable to be dismissed.

7. In view of the above stated reasons, this Writ Petition is dismissed. No costs.

23.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-Speaking
Neutral Citation :Yes / No
gsk



W.P.No.23879 of 2021

To

WEB COPY

- 1.The Registrar,
Registrar of Co-operative Societies,
Kilpauk, Chennai 600 010.
- 2.The Managing Director,
Villupuram District Central Co-operative Bank,
Kallakurichi District.
- 3.The General Manager,
Villupuram District Central Co-operative Bank,
Kallakurichi District.
- 4.Subbarayan, Branch Manager,
Villupuram District Central Co-operative Bank,
Manalurpet Branch,
Kallakurichi District.



WEB COPY



W.P.No.23879 of 2021

R.N.MANJULA, J.

gsk

W.P.No.23879 of 2021

23.01.2024