



W.P.(MD)Nos.18428 to 18430 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.08.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.18428 to 18430 of 2024

S.Muthu Manikam	... Petitioner in W.P.(MD)No.18428/2024
M.Ravi	... Petitioner in W.P.(MD)No.18429/2024
S.Arumugam	... Petitioner in W.P.(MD)No.18430/2024

Vs.

1.The Registrar of Co-operatives Societies (Housing),
No.48, Rithedran Road, Veperi, Chennai-7.

2.The Additional Registrar /Administrator,
Tamil nadu Co-operative Housing Federation,
No.48, Rithedran Road, Veperi, Chennai-7.

3.The Regional Deputy Registrar of Co-operative
Societies (Housing),
No.3, D.D.Salai, Mani Nagaram,
Viruthunagar Region,
Viruthunagar.

4.The Administrator,
N.N.245, Singampunari Co-operative
Housing Construction Society,
Sundaram nagar, Singampunari,
Sivagangai District.

.. Respondents all petitions



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COMMON PRAYER in W.P.(MD)No.18429 and 18430: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to disburse the petitioners' retirement benefits of Rs.16,85,465/- and Rs.12,92,357/-, respectively immediately out of the sale amount of the fourth respondent's vacant sites property on the basis of the petitioners' representations dated 27.10.2022 and 21.4.2023 respectively, and within the time stipulated by this Court.

PRAYER in W.P.(MD)No.18429 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to disburse the petitioner's retirement benefits of Rs.6,89,685/- my voluntary retirement that was approved by the then Board on 31.1.215 immediately out of the sale amount of the fourth respondent's vacant sites property on the basis of the petitioner's representation dated 17.04.2023 and within the time stipulated by this Court.

In all petitions:

For Petitioner : Mr.C.Jeganathan
For R1, R3 & R4 : Mr.K.Selvaganesan
Additional Government Pleader
For R2 : Mr.Kanmani Annadurai

COMMON ORDER

Heard Mr.C.Jeganathan, learned counsel appearing for the petitioners, Mr.K.Selvaganesan, learned Additional Government Pleader for the



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respondents 1, 3 and 4 and Mr.Kanmani Annadurai, learned Counsel appearing for the second respondent.

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

3.The petitioners have filed these writ petitions seeking to disburse their retirement benefits of the petitioners from and out of the sale proceedings of the vacant sites belonged to the fourth respondent Society.

4.The learned counsel for the petitioners submitted that the fourth respondent has not settled the retirement benefits, despite the petitioners had retired from service as early as on 30.09.2017, 31.10.2015 and 30.06.2017, respectively, even after the repeated representations made by the petitioners. At this juncture, the fourth respondent had given an advertisement to sell the properties belonged to the Society. If the petitioners are settled with the retirement benefits from and out of the said sale proceedings, they would not be able to get the same thereafter.

5.The learned Additional Government Pleader for the official respondents submitted that the second respondent has filed an execution



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proceedings in view of the pending dues to be paid by the fourth respondent and only due to that proceedings, the properties belonging to the fourth respondent had been brought to sale.

6.If the petitioners restrict their prayer to consider the the representation submitted by them seeking disbursal of retirement benefits, this Court shall give directions to the authorities concerned to disburse the same within a time frame. However, the petitioners wishes to have an attachment over the sale proceedings of the properties belonging to the fourth respondent. For such adjudication, the course open to the petitioners is to file a money suit and seek an order of attachment before judgment.

7. The retirement benefits provided is based on pre-agreed terms, not on the liquidation of the assets of the fourth respondent Society. Hence, it is not fair on the part of the fourth respondent Society to expect the petitioners to wait till the dilution of the properties belonging to the Society to settle the retirement benefits of the employees like petitioners.

8.In view of the same, this writ petition is disposed by directing the fourth respondent to take a possible endeavours including the possibilities of getting any funds from the sale proceedings, if any, and settle the retirement



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benefits of the petitioners within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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Tamil nadu Co-operative Housing Federation,
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R.N.MANJULA, J.

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