



W.P.(MD).No.21614 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21614 of 2021

and

W.M.P.(MD)No.18174 of 2021

Reena

... Petitioner

Vs.

- 1.The Registrar of Cooperative Societies,
No.170, N.V.Nataraj Maligai,
EVR Salai, Keelpakkam,
Chennai-600 010.
- 2.The Joint Registrar of Cooperative
Societies,
The Collectorate Building,
Sivagangai,
Sivagangai District.
- 3.The Deputy Registrar of Cooperative
Societies,
The Collectorate Building,
Sivagangai,
Sivagangai District.
- 4.Gurusekar,
S/o. Azhagan,
The Sub-Registrar of Cooperative Societies,
Sivagangai, Sivagangai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 not to remove the petitioner's name from the 4th respondent's service book as his nominee.

For Petitioner : Mr.V.Kannan

For R-1 to R-3 : Mr.S.Kameswaran
Government Advocate

For R-4 : Mr.P.R.Prithiviraj

ORDER

This writ petition has been filed seeking direction to the respondents 1 to 3 not to remove the petitioner's name from the 4th respondent's service book as his nominee.

2. The brief facts which are necessary for the disposal of this Writ Petition are as follows:-

The petitioner is the legally wedded wife of the 4th respondent herein. Practically, the petitioner is the 2nd wife of the 4th respondent who married her after divorcing his 1st wife. She was already blessed with two sons and one



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daughter. The petitioner is also blessed with one son through her matrimony with the 4th respondent. The 4th respondent served as a Cooperative Sub Registrar in the various places and on attaining the age of superannuation on 30.06.2023, he was not allowed to retire due to the pendency of the criminal cases in Crime No.1 of 2019 which culminated in Commercial Crime Investigation Wing, Sivagangai. In the meanwhile, the 4th respondent chased away the petitioner as well, as a result of which, several matrimonial disputes crept in their matrimonial life and the petitioner has lodged several matrimonial cases before the appropriate Jurisdictional Court and the same are pending. The petitioner came to know that the 4th respondent was taking hasty steps to remove the petitioner's name in his Service Register Book. In the view of the same, the petitioner made several representations and the last of which on 22.04.2021, requiring the respondents not to remove the petitioner's name from the 4th respondent's Service Register Book. Since the same was not considered, the present writ petition came to be filed.

3. The learned counsel appearing for the 4th respondent vehemently contended that, the name of including a nominee in the Service Register Book



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is the personal right of an employee and the 4th respondent has all liberty to add or delete the names of his legal heirs in his Service Register Book at his pleasure. The 4th respondent can at any point of time insists removal of the petitioner's name from his Service Register Book and strongly contended to dismiss the same.

4. Heard the learned counsels on either sides. Carefully perused the materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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6. In view of the limited scope of relief sought for by the petitioner herein and considering the plight of the deserted wife with a single child, who is living separately from the 4th respondent, this Court is of the considered view that the petitioner's representation should be considered positively by the 2nd respondent. Accordingly, the respondents 1 to 3 are directed not to remove the petitioner's name from the 4th respondent's Service Register Book.

7. With the above directions, this writ petition stands disposed of. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

26.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Registrar of Cooperative Societies,
No.170, N.V.Nataraj Maligai,
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2.The Joint Registrar of Cooperative
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The Collectorate Building,
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3.The Deputy Registrar of Cooperative
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L.VICTORIA GOWRI, J.

Sml

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