

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 21.08.2018****CORAM:****WEB COPY****THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN****W.P. (MD) No.18183 of 2018**

A.V.Ramachandran

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Kilpauk,
Chennai.

2. The Joint Registrar of Co-operative Societies,
Thanjavur.

3. The Deputy Registrar of Co-operative Societies,
Thanjavur.

4. The President,
T.1362 Thiruvaiyaru Primary Agricultural
Co-operative Credit Society,
Thiruvaiyaru Taluk,
Thanjavur District.

5. The District Collector,
Thanjavur.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the Subsistence Allowance of Rs.15,84,884/- payable to the petitioner with reasonable rate of interest from the date of order ie., 19.08.2016 within the time that may be stipulated by this Court.

For Petitioner	: Mr.G.M.Xavier
For Respondent	: Mr.M.Pandia Rajan
(R1 to R3 and R5)	Addl.Govt.Pleader
For Respondent-4	: Mr.R.Sethuraman,
	Spl.Government Pleader

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to settle the



Subsistence Allowance of Rs.15,84,884/-, payable to the petitioner, with interest from the date of order ie., 19.08.2016.

2. Prima facie, the relief sought for in the writ petition is against the 4th respondent Co-operative Society. Therefore, the writ petition is not maintainable in the light of the Larger Bench Judgment of this Court in **Marappan K. v. The Deputy Registrar of Co-operative Societies, Namakkal**, reported in [2006(4) CTC 689].

3. Admittedly, the writ petition filed by the Management challenging the order of the Assistant Commissioner of Labour, Tiruchirappalli, has been dismissed for default. The Management has also not preferred any appeal to the appellate authority, as contemplated under the Payment of Subsistence Allowance Act, 1981, for the only reason that they have to deposit the entire amount. The Management, without preferring any appeal, has preferred the present Writ Petition, which was dismissed for default on 09.02.2018.

4. Taking note of the above facts and the petitioner has got a favourable order and that the situation is monstrous, this Court mould the relief directing the District Collector to ensure that the entire amount, as ordered by the authority under the Payment of Subsistence Allowance Act, has to be paid. In the **Marappan's case** (cited supra) it has been held that 'An order passed by a Society in violation of statute can be corrected by way of Writ Petition. Hence, this Writ Petition stands disposed of. No costs.

5. It is needless to mention that it is open to the District Collector to take symbolic possession of the property of the 4th respondent and immediately lock and seal the premises, if the amount is not paid by them within a period of one week from the date of receipt of a copy of this order, if there are no legal impediments.

6. Registry is directed to list the matter on 30.10.2018, for compliance.

SD
ASSISTANT REGISTRAR (CO)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS I)

To

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Joint Registrar of Co-operative Societies,
Thanjavur.



3. The Deputy Registrar of Co-operative Societies,
Thanjavur.

4. The President,
T.1362 Thiruvaiyaru Primary Agricultural
Co-operative Credit Society,
Thiruvaiyaru Taluk,
Thanjavur District.

5. The District Collector,
Thanjavur.

1CC TO MR. G.M. XAVIER, ADVOCATE SR 79320
1CC TO THE SPL GOVT PLEADER SR 79962

mpk

VB RP SAR 4
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3P 8C

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