



W.P(MD) No.9674 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.9674 of 2018

N.N.275 Rukmani Mills Employees
Cooperative Thrift and Credit Society,
West Street, Manalur,
Thiruppuvanam Taluk,
Sivagangai District,
Rep. by its President P.Irulandi.

... Petitioner

Vs.

- 1.Madurai Ramnad District National
Workers Union, Bearing Regd No.589
through its Vice President,
Mr.Varadharajan, 6/15, Ramnagar Padasalai,
3rd Street, Karimedu, Madurai.
- 2.The District Collector,
Sivagangai District, Sivagangai.
- 3.The Assistant Commissioner of Labour
cum-Controlling Authority
under the Payment of Gratuity Act,
Madurai-625 020.



W.P(MD) No.9674 of 2018

4.The Management,
M/s.Rukmani Mills,
Silaiman, Madurai.

5.The Assistant General Manager,
cum-Authorized Officer,
State Bank of India,
157-A Anna Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 2 & 3 to recover dues from the respondents 1 & 4 for a sum of Rs.29,51,324.60 along with future interest @ 14% to the petitioner society within a time stipulated by this Court.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R2 & R3

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

The learned counsel appearing for the petitioner seeks time to get instructions.



W.P(MD) No.9674 of 2018

2.The writ petitioner is a Co-operative Thrift and Credit Society. It appears to have obtained arbitral award under Section 90 of Tamil Nadu Co-operative Societies Act. To enforce the same, this writ petition has been filed. The petitioner wants this Court to direct the District Collector, Sivagangai to recover dues from R1 & R4.

3.The Hon'ble Supreme Court of India in ***NHAI v. Sheetal Jaidev Vade, (2022) 16 SCC 391*** held as follows :

“11....Once the original writ petitioner was having an efficacious, alternative remedy to execute the award passed by the learned Arbitral Tribunal/Court, by initiating an appropriate execution proceeding before the competent executing court, the High Court ought to have relegated the original writ petitioners to avail the said remedy instead of entertaining the writ petition under Article 226 of the Constitution of India which was filed to execute the award passed by the Arbitral Tribunal/Court. If the High Courts convert itself to the executing court and entertain the writ petitions under Article 226 of the Constitution of India to execute the award passed by the Arbitral Tribunal/Court, the High Courts would be flooded with the writ petitions to execute awards passed by the learned arbitrator/Arbitral Tribunal/Arbitral Court.



W.P(MD) No.9674 of 2018

12. We disapprove the entertaining of such writ petitions under Article 226 of the Constitution of India to execute the award passed by the learned Arbitral Tribunal/Court, without relegating the judgment creditor in whose favour the award is passed to file an execution proceeding before the competent executing court.”

In the case on hand also, the petitioner has an effective alternative remedy. Chapter XI of the Tamil Nadu Co-operative Societies Rules, 1988 provides for execution of the arbitral award. In view of the aforesaid decision of the Hon'ble Supreme Court of India, we decline to convert the writ proceedings into execution proceedings.

4. Granting liberty to the petitioner to avail remedy under Tamil Nadu Cooperative Societies Act and the Rules framed thereunder, the Writ Petition is dismissed. No costs.

(G.R.S., J.) (R.P., J.)
04.03.2026

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi/skm



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