

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 27876 of 2014 (H)

PETITIONER:

MARTHEW PATHROSE,
KUZHICKOMBIL ENCHIAMALAYIL HOUSE, ELANJI.P.O.,
ERNAKULAM DISTRICT, PIN-686 665.

BY ADVS.SRI.P.J.MATHEW
SRI.AJITH GEORGE

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVT. CO-OPERATIVE
DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
COLLECTORATE.P.O., KOTTAYAM-686 002.
3. THE ASSISTANT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES,
MEENACHIL, PALA-686 575.
4. THE MONIPPALLY MARKETING CO-OPERATIVE SOCIETY LTD.NO.4052,
MONIPPALLY.P.O, REPRESENTED BY ITS SECRETARY-686 636.
5. PRESIDENT,
MONIPALLY MARKETING CO-OPERATIVE SOCIETY LTD.NO.4052,
MONIPALLY.P.O, KOTTAYAM DISTRICT-686 636.

R BY SRI. JOHN VARGHESE, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 COPY OF THE NOTICE PUBLISHED BY THE 4TH RESPONDENT SOCIETY.

EXT.P2 TRUE COPIES OF 20 DEPOSIT RECEIPTS ISSUED BY THE 4TH
RESPONDENT ON VARIOUS DATES FOR FIXED DEPOSIT OF RS.13,00,000/-.

EXT.P3 COPY OF THE REPRESENTATION DATED 9-10-2014.

EXT.P4 COPY OF THE RECEIPT DATED 9-10-2014 ISSUED BY THE 2ND
RESPONDENT.

EXT.P5 COPY OF REPRESENTATION DATED 15-10-2013.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 27876 of 2014

Dated this the 27th day of May, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for respondents 4 and 5, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The petitioner, an agriculturist, deposited an amount of ₹ 13,00,000/- with the fourth respondent Society, as could be seen from Ext.P2 fixed deposit receipt. Having paid the interest upto December, 2013, the respondent Society thereafterwards committed default in paying it, despite the repeated demands made by the petitioner. Now, the total amount inclusive of accrued interest comes to about ₹ 14,50,000/-. Ventilating his grievance that, when the petitioner sought to withdraw the amount along with accumulated interest, the respondent Society has not paid the amount, the petitioner has filed the present writ petition.

3. Though the learned Standing Counsel for the respondent

Society has contested the claim of the petitioner on various grounds, I am afraid, none of those grounds has merited the attention of the Court, for the fact remains that the petitioner deposited the amount and it carried interest, both of which are required to be paid back to the petitioner as and when he demanded.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondent Society, this Court disposes of the writ petition with a direction to the 4th respondent Society to pay back the petitioner the entire fixed deposit along with the accrued interest as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

