

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13905 of 2015

and

M.P.No.1 of 2015

M.Vallabadass

... Petitioner

Versus

1. The Registrar Co-operative Societies  
M.V.Natarajan Maligai No.170  
Periyar EVR Salai (Poonamallee High Road)  
Kilpauk Chennai-10.
2. The Managing Director/ Joint Registrar  
Cuddalore District Central Co-  
operative Bank Ltd,  
Head Office No.1 Beach  
Road Cuddalore-607 001
3. The General Manager  
Cuddalore District Central Co-operative Bank Ltd.,  
Head Office No.1 Beach Road  
Cuddalore-607 001.
4. Mr.B.Jayachandran,  
Assistant Manager (Retd)  
Mangalampetai Branch  
Cuddalore District Central Co-operative Bank  
Ltd No.362 Manickam Cottage Sakthi Nagar  
Vridhachalam-1
5. S.Radhakrishnan  
S/o.Sengamuthu, Asst Mgr(Retd)  
Cuddalore District Central Co-op Bank Ltd,  
Rasi Nagar, Mangalampetai & Po-104 Vridhachalam Tk  
Cuddalore Dt.
6. The Manager  
Cuddalore District Central Co-operative Bank Ltd  
Mangalampetai Branch Mangalampetai-606 104  
Vridhachalam Taluk Cuddalore District
7. C.Jayaganthan

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to settle the amount under F.D.R. No.0217184 standing in the name of the 7th respondent and matured on 16.10.2008 to the petitioner which was deposited by him on 1.7.2009 for a sum of Rs.37 000/- lying under the 6th respondent with interest at 18% p.a. till date of realization.

For Petitioner : Mr.S.Ambigapathi

For Respondents : Mrs.T.P.Savitha  
Government Advocate (Co.op. Societies)

### O R D E R

By consent, the writ petition is taken up for final disposal.

2. According to the petitioner, he was working as an Assistant Manager of Mangalampet Branch and superannuated on 30.01.2010. The petitioner would further state that while he was working in that capacity, he sent an information about the maturity of Fixed Deposits to various persons which includes the Fixed Deposit No.164233/364233 for a sum of Rs.30,000/-, standing in the name of the 7<sup>th</sup> respondent, as it matured on 29.12.2005.

3. The petitioner would further state that he came to know that initially the 7<sup>th</sup> respondent against his Fixed Deposit, obtained a loan of Rs.10,000/- on 29.03.2005 from the 4<sup>th</sup> respondent and on 12.05.2005, he had requested the then Manager to pre-close the Fixed Deposit and refund the balance amount and it was also done. But unfortunately, the 4<sup>th</sup> respondent, did not make any endorsement in the register and it was also not entered into the computer system. The petitioner on account of the said fact, once again sent an intimation to the 7<sup>th</sup> respondent, requesting him to get the matured amount and the 7<sup>th</sup> respondent, suppressing the above said material facts gave a letter dated 20.11.2006 as if, he lost the original Fixed Deposit and requested to issue a duplicate Fixed Deposit and the petitioner in turn requested the 3<sup>rd</sup> respondent to grant permission to issue such a duplicate Fixed Deposit Receipt to the 7<sup>th</sup> respondent and after following necessary formalities, including obtaining of indemnity bond from the 7<sup>th</sup> respondent, renewed the Fixed Deposits. Subsequently, the 7<sup>th</sup> respondent pre-closed the Fixed Deposit on 24.06.2008 and received the amount of Rs.36,840/- from the 5<sup>th</sup> respondent.

4. The petitioner on coming to know of the fraud played by the 7<sup>th</sup> respondent made a request to the 3<sup>rd</sup> respondent, who without conducting any enquiry had given an evasive reply and directed him to recover the said amount from the 7<sup>th</sup> respondent. The petitioner on account of the said fact, claimed that he is suffering both physically and monetarily and in this regard, he sent a legal notice to the respondents on 09.12.2014 and it was received by the 1<sup>st</sup> respondent on 06.01.2015, who in turn directed the 2<sup>nd</sup> respondent to take appropriate action. Since, the petitioner has not been favoured with any kind of response thereafter, came forward to file this writ petition.

5. Heard the submissions of Mr.S.Ambigapathi, learned counsel appearing for the petitioner and Mrs.T.P.Savitha, learned Government Advocate, who accepts notice for respondents 1 to 6.

6. Though, the petitioner has sought for a larger relief, this Court, without going into the merits of the claim projected by the petitioner, directs the 2<sup>nd</sup> respondent to act on the Communication in Na.Ka.No.14727/2014/Ma.Va.Pa.2 dated 31.12.2014 and pass orders in accordance with law, after putting on notice the respondents 3 to 7, as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as to the above said respondents.

7. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

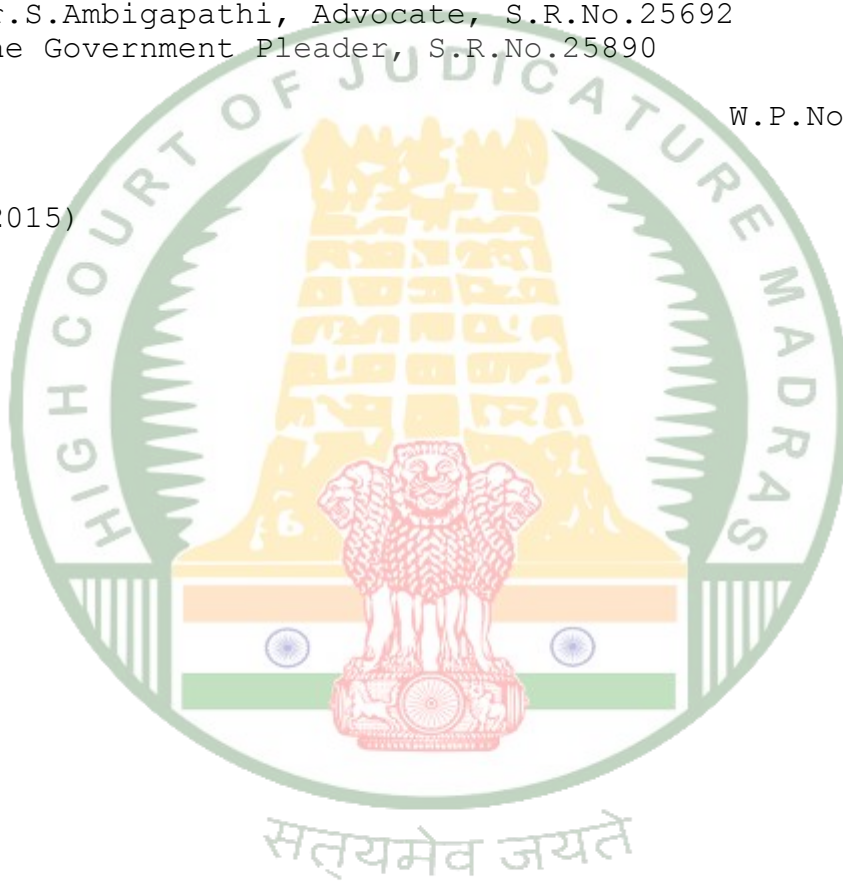
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Vridhachalam Taluk Cuddalore District

+lcc to Mr.S.Ambigapathi, Advocate, S.R.No.25692  
+lcc to the Government Pleader, S.R.No.25890

W.P.No.13905 of 2015

CNR(CO)  
CA(16/06/2015)



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