

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN,

Writ Petition No.33315 of 2015 and
M.P.No.1 of 2015

V.Lakshmi Bai

.. Petitioner

vs.

1.The Deputy Registrar,
Cooperative Societies,
Cooperative Institute Complex,
Kanchipuram.

2.The Chairman, TNEB,
Chenglepet Electric System
Employee's Coop.
Thrift and credit Society Ltd.,
No.K.P.L.Spl.22,
Railway Road,
Kanchipuram.

3.Junior Engineer,
TNEB,
Kanchipuram Electricity
Distribution Circle,
Railway Road,
Kanchipuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to pay the fixed deposit amount of Rs.2,50,000/- which is in the name of petitioner's deceased husband along with the interest, to the petitioner in the capacity of nominee to the petitioner's deceased husband.

For Petitioner : Mr.V.Umapathy

For RR1 and 2 : Mrs.T.P.Savitha,
Government Advocate (co.op)

ORDER

The petitioner's husband V.Varadasah, worked as an Accounts Officer under the control of the third respondent. He retired from service in the year 2005. While in service, he got enrolled as member in the second respondent credit society. After retirement, the petitioner's husband deposited Rs.50,000/- on 05.06.2013 and Rs.2,00,000/- on 05.12.2013 with the second respondent under the fixed deposit scheme, thereby nominating the petitioner as nominee to the said amount. The petitioner's husband died on 30.04.2014.

2.The petitioner applied for withdrawal of the said amounts. However, her application was not received by the respondents 1 and 2. Hence, the petitioner sent her application through RPAD to the second respondent. However, the second respondent has not considered the claim of the petitioner. Hence, the petitioner sent a legal notice to the second respondent on 25.05.2015 through her counsel. Even thereafter, the second respondent has not considered the claim of the petitioner. In view of that, the petitioner is before this Court with this writ petition.

3.Heard Mr.V.Umapathy, learned counsel for the petitioner and Mrs.T.P.Savitha, learned Government Advocate (Co.operative) appearing for the respondents 1 and 2. Since, the third respondent is only a formal party, no notice is required.

4.It is evident from the records that the petitioner's husband deposited Rs.50,000/- on 05.06.2013 and Rs.2,00,000/- on 05.12.2013 with the second respondent under the fixed deposit scheme and also got the certificates for the same. The said certificates are enclosed by the petitioner in page Nos.1 and 2 of the typed set of papers. There is no dispute that the petitioner's husband died on 30.04.2014 and the same is supported by the death certificate produced by the petitioner. The legal heirship certificate would show that apart from the petitioner, there are three other persons as legal representatives of the deceased. While depositing the said amounts, the husband of the petitioner had made it very clear that the petitioner is the nominee for the said deposits. If the petitioner is ready to produce the required documents, there should not be any problem for the second respondent to pay the said deposited amount of the petitioner's husband along with accrued interest.

5.In the result, the writ petition is disposed of with a direction to the second respondent to settle the fixed deposits made by the husband of the petitioner to the petitioner viz., Rs.50,000/- on 05.06.2013 and Rs.2,00,000/- on 05.12.2013 with

accrued interest, on production of required documents by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Call the matter on 02.01.2016 for reporting compliance.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jbm
To

1.The Deputy Registrar,
Cooperative Societies,
Cooperative Institute Complex,
Kanchipuram.

2.The Chairman, TNEB,
Chenglepet Electric System
Employee's Coop.
Thrift and credit Society Ltd.,
No.K.P.L.Spl.22,
Railway Road,
Kanchipuram.

3.Junior Engineer,
TNEB,
Kanchipuram Electricity
Distribution Circle,
Railway Road,
Kanchipuram.

copyto:

The Section Officer,
Writ Section,
High Court, Madras-104

(for watching and posting for Reporting compliance
on 02.01.2015)

+1 cc to Mr.V.Umapathy Advocate sr.56994

W.P.No.33315 of 2015

aa19/11/2015