



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.1241 of 2016

T.Amirthalingam

... Petitioner

Vs.

1.The Joint Registrar,
Co-operative Societies,
Kajamalai,Trichy.

2.The Primary Agricultural
Co-operative Credit Societies,
R963 Tholaiyanatham,
Primary Agricultural Co-operative Credit Society,
Represented by its Secretary,
R963 Tholaiyanatham,
Primary Agricultural Co-operative Credit Society,
Tholaiyanatham Post,
Musiri Taluk,Tricy District.

... Respondents

PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to refund the deposit amount of the petitioners with interest.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.M.Murugan,
Government Advocate

COMMON ORDER

Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for the first respondent. Mr.D.Shanmuga Raja Sethupathi, learned counsel takes notice for the second respondent society.

2.In this writ petition, the petitioner is seeking for a mandamus directing the second respondent Co-operative Credit Society to refund the deposit amount to the petitioner with interest.

3. By consent of parties, the writ petition is taken up for final disposal in view of the fact that the issue involved in these cases is covered by an order already passed by this Court in W.P.(MD) No.15057 of 2014 etc,. wherein an order came to be passed on 19.09.2014, directing the Society to take earnest steps to settle the money at the earliest by granting three months time.



4. In the above-stated decision, at paragraph Nos. 6, 7 and 8, it has been observed as follows:

''6. The learned counsel for the Petitioner brought to the attention of this Court a decision taken in a peace committee meeting convened by the Tahsildar on 18.08.2014. From the said minutes of the meeting of the peace committee, it has agreed that the entire amount would be settled by 31.08.2014. However, till date the same appeared to have not been fortified and no settlement has been effected within the time agreed.

7. Though the respondents express certain difficulties in settling the amount, it should be born in mind, the Petitioners are agriculturists, who are depositors and they are bound to get the money together with accrued interest. If the situation has arisen resulting in financial hardship to the second respondent, then the first respondent should take action in accordance with the provisions of the act either liquidate a portion of the assets of the Society or approach the Central Bank for adequate finance as against the security or such other manner to settle the dues. If the depositors cannot be endlessly made to wait, especially when they are poor agriculturists, who have invested their hard earned money.

8. Therefore, this Court is of the view that earnest steps should be taken by the respondents to settle the money at the earliest and this Court is inclined to fix an outer time limit to settle the deposit amounts with accrued interest. Taking into consideration the submissions made, this Court direct the respondents to take all effective steps to settle the amount together with accrued interest at the earliest by bearing in mind the observations made in this order and this Court is inclined to fix the outer time limit as 23.12.2014.''

In fact I myself by following the above said order disposed of a writ petitions in W.P.No.20793 of 2015, dated 30.11.2015 and W.P(MD)No.21568 of 2015, dated 03.12.2015.

5. Mr. Shanmuga Raja Sethupathi, learned counsel appearing for the second respondent submitted that the order passed by this Court in W.P.(MD)No.15057 of 2014 etc., dated 19.09.2014, was subsequently modified by the Hon'ble Division Bench of this Court in a writ appeal in W.A.(MD)No.1144 of 2015, dated 30.10.2015, wherein the Hon'ble Division Bench, has extended the time for disposing of the amount from the period of three months as directed by the learned single Judge to the period of five months and therefore, he submitted that the above said fact may be taken note of by this Court while disposing of the writ petition.

6. Considering the fact that the dispute involved in this is covered by the order of the learned single Judge which in fact is confirmed by the Hon'ble Division Bench and only time for disbursement of amount is modified, I direct the second respondent to take all effective steps to settle the amount to the petitioner together with accrued interest within a period of five months from the date of receipt of a copy of this order.



3

7. With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar

WEB COPY /True Copy/

Sub Assistant Registrar

To

1.The Joint Registrar,Co-operative Societies,
Kajamalai,
Trichy.

2.The Secretary,
R963 Tholaiyanatham,Primary Agricultural
Co-operative Credit Society,
Tholaiyanatham Post,Musiri Taluk,
Tricy District.

+1cc to Mr.S.Muthukrishnan, Advocate SR.No.3500

+1cc to The Special Government Pleader, Madurai. SR.No.3807

W.P (MD) No.1241 of 2016

21.01.2016

ssl

NS/GSV-AN/02.02.2016 : 3P/5C