



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.23743 of 2016

N.Premalal

... Petitioner

vs.

1)The Deputy Registrar of Co-operative Society,
Tirunelveli.

2)The President,
0.114 Sevalkulam Primary Agricultural
Co-operative Bank Limited,
Sevalkulam, Sankarankoil Taluk,
Tirunelveli District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the 2nd respondent to repay a sum of Rs.85,373-50/- with interest to the petitioner as per the proceedings passed by the 1st respondent in Na.Ka.No.8555/2007 Sa.Pa. dated 10.03.2016 within a time stipulated by this Hon'ble Court.

For Petitioner	: Mr.M.Muthugeethayan
For R1	: Mr.S.Sathish Kumar Government Pleader
For R2	: Mr.Aayiram K.Selvakumar Government Advocate

ORDER

The prayer in the writ petition is for a Writ of Mandamus, directing the 2nd respondent to repay a sum of Rs.85,373.50/- with interest to the petitioner as per the proceedings passed by the 1st respondent in Na.Ka.No.8555/2007 Sa.Pa. dated 10.03.2016 within a time stipulated by this Court.

2.Heard both sides.

3.The short facts pertaining to this writ petition is that as against the petitioner, some surcharge proceedings have been initiated, which ended against him. Thereupon, the petitioner had preferred appeal in CMA(CS)No.68/2007 before the Principal Sessions Judge, Tirunelveli, wherein, by order dated 20.08.2014, the petitioner was relieved from the surcharge proceedings. As a



consequence, the petitioner had requested the respondents to reimburse a sum of Rs.85,373.50/- which was already paid by the petitioner to the 2nd respondent bank, pursuant to the said surcharge proceedings. Considering the same, the 1st respondent by order dated 10.03.2016, directed the 2nd respondent to take action to repay the said amount to the petitioner with interest. In spite of the said order having been passed by the 1st respondent on 10.03.2016, no consequential action was taken by the 2nd respondent for disbursing the said amount to the petitioner. Therefore, the petitioner has come out with the present writ petition with the abovesaid prayer.

4. Heard both sides. By consent, the writ petition itself is taken up for final disposal.

5. The aforesaid facts are not controverted. The 2nd respondent being under the control of the 1st respondent, had to act immediately on the said directives issued by the 1st respondent. Since the 2nd respondent has failed in that aspect, there is every justification on the part of the petitioner to seek the relief as claimed herein.

6. In view of the said facts and circumstances, this Court is inclined to dispose of this writ petition with a direction, directing the 2nd respondent to act upon the order passed by the 1st respondent in Na.Ka.No.8555/2007 Sa.Pa. dated 10.03.2016 and to disburse the said amount of Rs.85,373.50/- with interest at 6% per annum to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

nbi

To

1) The Deputy Registrar of Co-operative Society,
Tirunelveli.

2) The President,
0.114 Sevalkulam Primary Agricultural
Co-operative Bank Limited, Sevalkulam, Sankarankoil Taluk,
Tirunelveli District.

+1cc to Mr.M.Muthugeethayan Advocate Sr.No. 79731

+1cc to Spl.Government Pleader Sr.No. 80293