



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P(MD).No.3589 of 2016

Muthusamy ... Petitioner
Vs.

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

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to refund the deposit amount of the petitioner with interest.

For Petitioner : Mr.S.Muthukrishnan

For Respondents: Mr.N.S.Karthikeyan
Additional Government Pleader

ORDER

Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for the respondents.

2. The petitioner is seeking for a Mandamus directing the respondents 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 the case 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.''

5. However, the learned Govt. Advocate appearing for the respondents 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 the case 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.

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

Sd/-

Assistant Registrar(record)

/True copy/



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,
Trichy District.

+1cc to M/s.S.Muthukrishnan, Advocate SR.No.10027

+1cc to special Government Pleader SR.No.10371

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W.P (MD) No.3589 of 2016
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