



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)Nos.43 & 44 of 2016

M.Malaiyandi ... Petitioner in W.P(MD)No.43 of 2016

P.Ayyavu ... Petitioner in W.P(MD)No.44 of 2016

Vs.

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

2. 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 in both W.P's

Common Prayer:- Writ Petitions 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 petitioners with interest.

For Petitioner : Mr.S.Muthukrishnan
(in both W.P's)

For R - 1 : Mr.K.P.Krishnadass
(in both W.P's) Government Advocate

For R - 2 : Mr.D.Shanmuga Raja Sethupathi
(in both W.P's)

COMMON ORDER

Mr.K.P.Krishnadass, learned Government Advocate takes notice for the first respondent. Mr.D.Shanmuga Raja Sethupathi, learned counsel takes notice for the second respondent society.

2. In both the Writ Petitions, the petitioners are seeking for a Mandamus directing the second respondent Co-operative Credit Society to refund the deposit amount to the petitioners with interest.



3. By consent of parties, both the Writ Petitions are taken up for final disposal in view of the fact that the issue involved in these cases 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 expresses 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 asserts 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.'

<https://hcservices.ecourts.gov.in/hcservices/>
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 these Writ Petitions.

6. Considering the fact that the dispute involved in these cases 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 petitioners 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 Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

ps

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.

+2 cc to Mr.D.Shanmuga Raja Sethupathi, Advocate, SR Nos.713 & 714

+1 cc to Mr.K.P.Krishnadass, Government Advocate, SR No. 401

+1 cc to Mr.S.Muthukrishnan, Advocate, SR No.399

+1 cc to Special Government Pleader SR No. 445

W.P(MD)Nos.43 & 44 of 2016
05.01.2016

RG.MP-MP 18.01.2016 3P:8C