

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9234 of 2014

and MP No.1 of 2014

A.Murugesan

.. Petitioner

Vs.

- 1 The Joint Registrar of
Co-operative Societies,
Salem Division,
Salem.
- 2 The Deputy Registrar of Co-operative Societies,
Attur, Salem District.
- 3 The Secretary,
No.3482, Kaatukottai Primary Agricultural
Co-operative Credit Society,
Kaatukottai - 636 121,
Attur Taluk, Salem District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to make the payment of the matured fixed deposit amounts in favour of the petitioner's daughters Kayalvizhi and Santhanalakshmi, covered under 2 fixed deposits in receipt numbers 135333 dated 07.10.2010 for a sum of Rs.2,00,000/- and another in fixed deposit number 135332 dated 07.10.2010 for a sum of Rs.2,50,000/-.

For Petitioner : Mr.G.Arul Murugan

For Respondent : Mr.L.P.Shanmuga Sundaram
Special Government Pleader

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents herein to make the payment of the matured fixed deposit amounts in favour of the petitioner's daughters Kayalvizhi and Santhanalakshmi, covered under 2 fixed deposits in receipt numbers 135333 dated 07.10.2010 for a sum of Rs.2,00,000/- and another in fixed deposit number 135332 dated 07.10.2010 for a sum of Rs.2,50,000/-.

2. Heard Mr.G.Arul Murugan, learned counsel appearing for the petitioner and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader appearing on behalf of the respondents.

3. The learned counsel for the petitioner submits that the petitioner has deposited the amount in Fixed Deposit in the name of his daughters M.Santhanalakshmi and M.Kayalvizhi to a tune of Rs.2,50,000/- and 2,00,000/- respectively. The petitioner has already deposited the fixed amount in the name of his wife, namely M.Chithra to a tune of Rs.4,00,000/- and in the aforesaid deposited amount, the petitioner wife M.chithra has foreclosed the account on 15.11.2010 and received the proceeds of the deposit. The remaining amount deposited in the name of the petitioner's daughters, are not withdrawn by the petitioner. Therefore, the petitioner has filed the present writ petition for the aforesaid prayer.

4. The learned Special Government Pleader appearing for the respondents would submit that the several suits have been filed before the various Courts. The petitioner has filed a suit in OS No.191 of 2010 on the file of Sub Court, Attur, against three other defendants M/s.P.Geetha, K.Govindarajulu and G.Selvaraj. The aforesaid suit is filed for the relief of declaration and permanent injunction to nullify the registered sale deed dated 07.10.2010 executed by the petitioner in favour of M/s.B.Geetha and K.Govindarajulu, the defendants of the suit. Yet another suit has been filed in OS.No.195 of 2013 before the Sub Court, Kallakurichi, in which, in IA. No.590 of 2013 the attachment order, was passed, attaching the fixed deposit in the name of the petitioner's daughter Kayalvizhi and the said interim order is still in force and the same is pending. But yet another suit has been filed by one N.Moorthy in OS.No.4986 of 2013, in which, in IA No.13271 of 2013 has been filed and the attachment order was passed, attaching the Fixed Deposit Receipt No.135333 dated 07.10.2010 standing in the name of the petitioner's daughter Santhanalakshmi for Rs.2,17,000/- for the loan availed from him by the petitioner. The said suit is also pending before the 12th

Asst. City Civil Court, Chennai. Yet another petition has been filed by the petitioner in the Consumer OP. No.81 of 2013 before the District Consumer Redressal Forum, Salem, in which the respondent society is also a party. Therefore, in view of the aforesaid litigations, in various Courts/forums, the respondent-society is not in a position to refund the said fixed deposit to the petitioner. Therefore, the learned Special Government Pleader submitted that the Writ Petition is liable to be dismissed.

5. In view of the submissions made by both the parties, it is clear that the several suits were filed against the petitioner in various Courts as stated in the earlier paragraph. In OS. No.195 of 2013, interim order has been passed in IA. No.590 of 2013, which is now pending before the Sub Court, Kallakurichi, by attaching the Fixed Deposit Receipt No.135332 dated 07.10.2010, which stands in the name of the petitioner's daughter Kayalvizhi for Rs.2,00,000/-. Another suit was filed by one N.Moorthy, in which in IA No. 13271 of 2013 in OS.No.4986 of 2013 before the 12th Asst. City Civil Court, Chennai, attachment order has been passed, by attaching Fixed Deposit Receipt No.135333 dated 07.10.2010, which stands in the name of the petitioner's daughter Santhanalaksmi for Rs.2,17,000/- for the loan availed from him by the petitioner. In the aforesaid two Civil cases, there are interim orders, attaching the fixed deposit of the petitioner's daughters. In view of the above said pendency of the cases before the Civil Court and OP pending before the District Consumer Redressal Forum, Salem, the respondent-society is unable to refund the said fixed deposit amount to the petitioner's daughters. Therefore, no case has been made out by the petitioner for granting the relief. The aforesaid amounts shall be renewed by the respondent-society as a fixed deposit till the final decision is arrived at in the above Civil Suits/forum. After the aforesaid suits are disposed of, it is open to the petitioner to make a fresh representation for refund of the aforesaid fixed deposit amounts. In view of the above said facts, the Writ Petition is dismissed with no order as to costs. Consequently, the miscellaneous petition is closed.

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

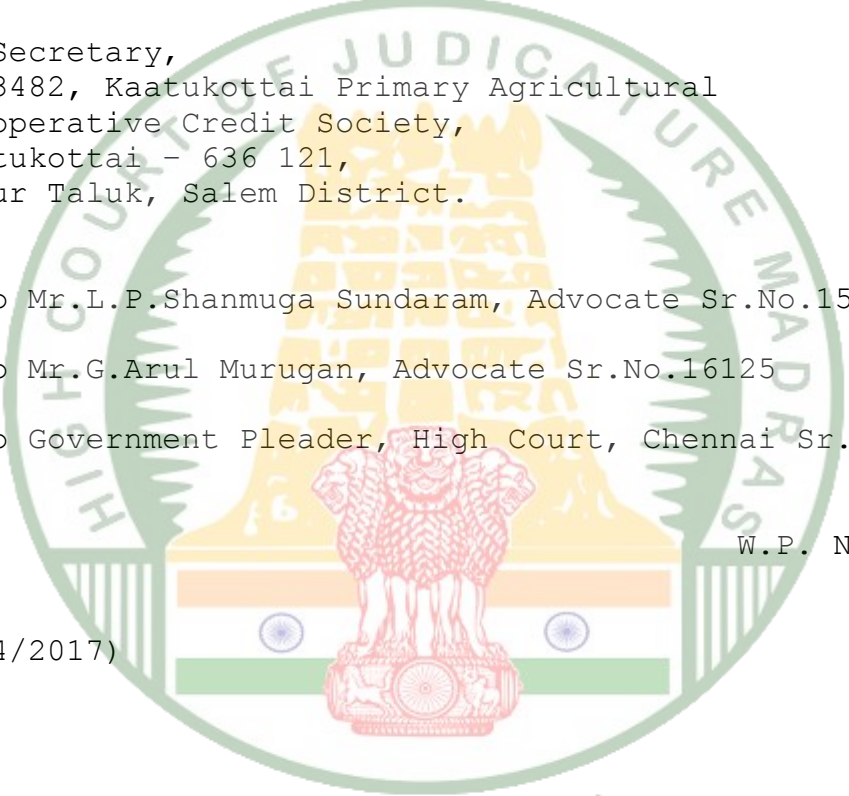
Jv

To

- 1 The Joint Registrar of Co-operative Societies,
Salem Division,
Salem.
 - 2 The Deputy Registrar of Co-operative Societies,
Attur, Salem District.
 - 3 The Secretary,
No.3482, Kaatukottai Primary Agricultural
Co-operative Credit Society,
Kaatukottai - 636 121,
Attur Taluk, Salem District.
- +1 CC to Mr.L.P.Shanmuga Sundaram, Advocate Sr.No.15978
- +1 CC to Mr.G.Arul Murugan, Advocate Sr.No.16125
- +1 CC to Government Pleader, High Court, Chennai Sr.No.16254

W.P. No. 9234 of 2014

SCD(CO)
KP(18/04/2017)



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