

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8796 of 2017

M. Nantheeswari

.. Petitioner

vs.

1. The Joint Registrar
Co-operative Societies
Vellore Region
Vellore.

2. The President
K. Chettiyappanyur (C.1363)
Primary Agricultural Co-operative Ltd.,
Chettiyappanyur
Vaniyambadi Taluk
Vellore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 2nd respondent to release a sum of Rs.6,57,308/- which was deposited by the petitioner in her Savings Account No.264 in the 2nd respondent society based on the order passed by the first respondent dated 13.06.2013 and pass further orders.

For Petitioner : Mr. Uday
for M/s. Karan and Uday

For Respondents : Mr. V. Selvaraj,
Addl. Government Pleader

ORDER

The petitioner has filed this writ petition seeking to direct the 2nd respondent to release a sum of Rs.6,57,308/- which was deposited by her in her Savings Account No.264, in the 2nd respondent society, based on the order passed by the first respondent dated 13.06.2013.

2. Learned counsel for the petitioner submitted that the petitioner is a widow. The petitioner's husband died in a road accident on 21.12.2002. During his lifetime, the

petitioner's husband was working in Tirupattur Co-operative Sugar Mill. She opened a Saving Bank Account in Account No.264 in the 2nd respondent society and deposited the terminal benefits of her husband and the amount received from the Insurance company, totaling a sum of Rs.7,27,308/- on 24.03.2003. Subsequently, she withdrew a sum of Rs.70,000/- for her personal expenses. During May 2005, when the petitioner approached the 2nd respondent Society for withdrawal of money, the staff of the society had informed the petitioner that only a sum of Rs.569/- is available in her account. On verification, she came to know that some employees of the 2nd respondent society has misappropriated the money of the petitioner. Hence, the petitioner lodged a criminal complaint before the Inspector, Crime Branch, Vellore and the same was registered in Cr. No. 52 of 2012 under Section 420 r/w 120(b) of IPC. Further the petitioner also gave a representation to the 1st respondent to take action against the concerned persons, with regard to the said misappropriation. Based on her complaint, the 1st respondent directed for an enquiry as per Section 81 of the Co-operative Societies Act. Based on the findings of the enquiry officer that misappropriation has taken place, the 1st respondent passed an order on 13.06.2013, directing the 2nd respondent to release the sum of Rs.6,57,308/- to the petitioner. But, there is no response from the 2nd respondent, inspite of several representations of the petitioner. Therefore, the petitioner has filed this writ petition.

3. On instructions from the Sub Registrar, Vellore Region who was present in the Court, learned Additional Government Pleader would submit that the aforesaid amount of Rs.6,56,900/- payable to the petitioner will be settled on or before 27.10.2017.

4. In view of the said submission of the learned Additional Government Pleader, this Court directs the 2nd respondent to settle the petitioner the sum of Rs.6,56,900/- on or before 27.10.2017, failing which the 2nd respondent Society is liable to pay an interest to the said amount, at the rate of 12% to the petitioner, till the date of release of the said amount.

5. The Writ Petition is disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

avr

To

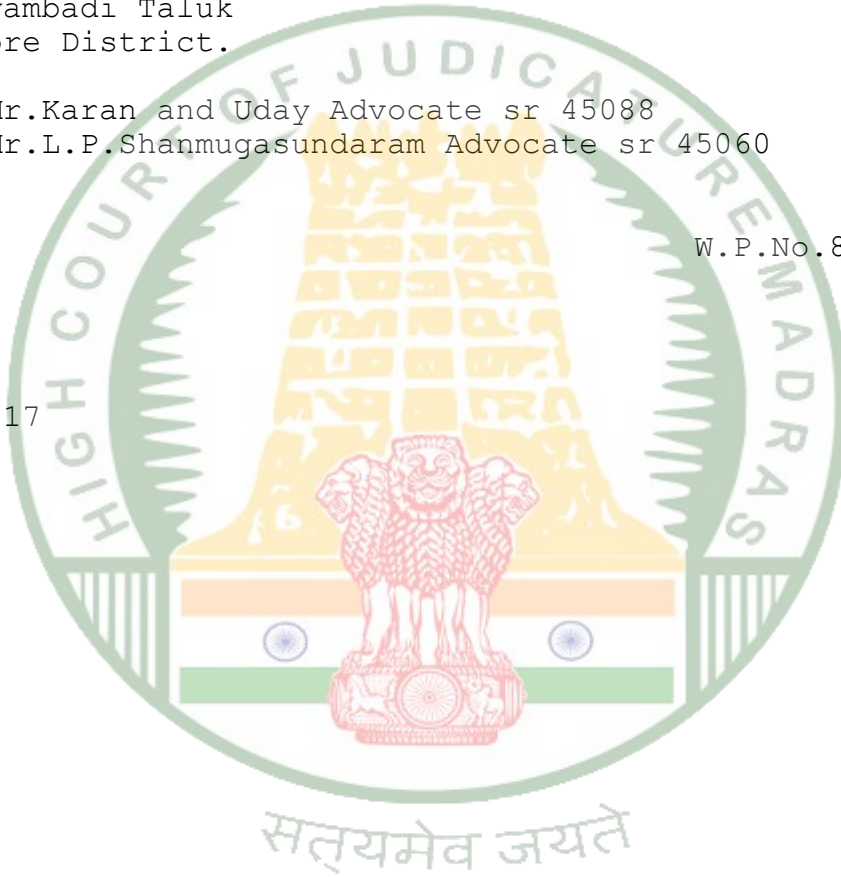
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+1 cc to Mr.Karan and Uday Advocate sr 45088

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 45060

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