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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.09.2014
CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.(MD)No.16110 to 16112 of 2014

W.P.(MD)No.16110 of 2014:
Ponnusamy ... Petitioner

Vs.

1.The Joint Registrar,
Cooperative Societies,
Kajamalai, Trichy.

2.The Primary Agricultural Cooperative Credit Societies,
R963 tholaiyanatham,
Primary Agricultural Cooperative Credit Society,
Rep.by its Secretary,
R963, Tholaiyanantham,
Primary Agricultural Cooperative Credit Society,
Tholaiyanantham Post,
Musiri Taluk, Trichy District. ... Respondents

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

For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader

W.P.(MD)No.16111 of 2014:

Sumathi ... Petitioner

Vs.

1.The Joint Registrar,
Cooperative Societies,
Kajamalai, Trichy.

2.The Primary Agricultural Cooperative Credit Societies,
R963 tholaiyanatham,
Primary Agricultural Cooperative Credit Society,
Rep.by its Secretary,
R963, Tholaiyanantham,
Primary Agricultural Cooperative Credit Society,
Tholaiyanantham Post,
Musiri Taluk, Trichy District. ... Respondents

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

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For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader

W.P.(MD)No.16112 of 2014:

Shanmugam ... Petitioner

Vs.

1.The Joint Registrar,
Cooperative Societies,
Kajamalai, Trichy.

2.The Primary Agricultural Cooperative Credit Societies,
R963 tholaiyanatham,
Primary Agricultural Cooperative Credit Society,
Rep.by its Secretary,
R963, Tholaiyanantham,
Primary Agricultural Cooperative Credit Society,
Tholaiyanantham Post,
Musiri Taluk, Trichy District. ... Respondents

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

For Petitioners : Mr.S.Muthukrishnan
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader

COMMON ORDER

In all these Writ petitions the petitioners are depositors in the 2nd respondent Primary Agricultural Cooperative Credit Society. The deposits made by the petitioners are varying amounts and it is an undisputed fact that all the deposits are matured. Therefore, the 2nd respondent is bound to return the deposit amount together with accrued interest. The petitioners, who are all poor agriculturist, are members of the 2nd respondent Primary Agricultural Cooperative Credit Society and with a view to get a reasonable interest, they have invested their hard earned money.

2.When they approached the 2nd respondent, the 2nd respondent has not returned the deposit amounts, stating that the erstwhile Secretary and other staff members of the Society misappropriated the funds of the Society to the tune of Rs.5 crores and the 2nd respondent Society is suffering under financial difficulty and therefore, steps have been taken on a war footing so that the deposit amounts could be refunded to all the depositors.

3.It is further submitted that disciplinary action has been initiated against the staffs, who have committed the misappropriation and the same is in progress and a criminal cases have also been filed as against those employees and the cases are under investigation.

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4.Earlier one of the depositors approached this Court by filing a Writ petition in W.P.No.13827 of 2014. The said Writ petition was

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disposed of by order dated 26.08.2014. The present petitioners being similarly placed persons also seek for the same order.

5.The learned Additional Government Pleader appearing for the respondents submitted that it is an undisputed fact that the 2nd respondent is bound to return the deposit amounts to the depositors and there can be no second opinion about the said fact. However, the 2nd respondent is now facing financial crisis on account of the illegalities committed by the staff members of the Society and the 1st respondent is taking genuine efforts to settle the depositors and the same would be done in an expeditious manner.

6.The learned counsel for the petitioners brought to the attention of this Court a decision taken in a peace committee meeting convened by the Tahsildar on 18.08.2014. In the said meeting of the peace committee, it has agreed that the entire amount would be settled by 31.08.2014. However, till date the same appears to have not 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 the accrued interest. If the situation has arisen resulting in financial hardship to the 2nd respondent, then the 1st 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. 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 directs 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.

The Writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(Per.Admn)

\\True copy\\

Sub Assistant Registrar

To
1.The Joint Registrar,Cooperative Societies,Kajamalai, Trichy.
2.The Primary Agricultural Cooperative Credit Societies,
R963 tholaiyanatham,Primary Agricultural Cooperative Credit Society,
Rep.by its Secretary, R963, Tholaiyanantham, Primary Agricultural Cooperative Credit Society, Tholaiyanantham Post, Musiri Taluk, Trichy District.
+3cc to MR.S.MUTHUKRISHNAN, ADVOCATE SR.NO.54353
+1CC TO THE SPL.GOVT.PLEADER SR.NO.55248

W.P.(MD)Nos.16110 to 16112 of 2014
24.09.2014

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