



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.08.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.A. [MD].No.779 & 780 of 2017
and
C.M.P. (MD) No.5601 & 5602 of 2017**

R-963, Tholaiyanatham Primary
Agricultural Cooperative Credit Society,
Rep.by its Secretary,
Tholaiyanatham Post,
Musiri Taluk, Trichy District. ... Appellant in both appeals

Vs.

1.Ramajeyam ... 1st respondent in WA(MD)No.779 of 2017
2.Raju ... 1st respondent in WA(MD)No.780 of 2017

2.The Joint Registrar of
Cooperative Societies,
Kajamalai,
Trichy. ... 2nd Respondent in both appeals.

COMMON PRAYER : These Writ Appeals are filed under Clause 15 of the Letters Patent, to set aside the order passed by the learned single Judge in WP(MD)No.17541 of 2014 & 17545 of 2014, dated 30.10.2014.

Prayer in WP(MD). 17541/ 2014 :

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

Prayer in WP(MD). 17545/ 2014 :

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

For Appellant : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.S.Muthukrishnan for R1
Mr.V.Muruganantham for R2
Additional Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

These writ appeals are directed against the order dated 30.11.2014 made in WP(MD)No.17541 of 2014 & 17545 of 2014 filed by the respective first respondents herein.

2.The writ petitioners are depositors in the appellant society. But when the deposits matured, the society failed to refund the same with interest. It appears that the staff of the society had indulged in forgery and misappropriation. As a result, the deposit amounts could not be returned.

3.The learned counsel for the appellant would contend that the writ petitions would not lie against a co-operative society. In view of the various decisions of this Court, he questioned the maintainability of the writ petitions. However, we are not inclined to accept this contention. It is beyond dispute that the writ petitioners deposited certain amounts with the appellant society. If the staff of the appellant society have indulged in misappropriation, consequences thereof cannot fall on the depositors / writ petitioners.

4.The learned Single Judge took into account the interest of justice and issued the directions now impugned in this writ appeal. There is no justification at all for the society to even challenge the order passed by the learned Single Judge. This writ appeals are without any merit. They stand dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

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

+1 cc to Mr.D.Shanmugaraja Sethupathi , Advocate in SR.No. 72081
+1 cc to Mr.S.Muthukrishnan , Advocate in SR.No. 72173
+1 cc to The Special Government Pleader in SR.No.72618

skm/Arul

AE/KK/SAR1/07.09.2017/2P/5C

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