



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.11.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.15001 of 2018

Subramanian

..Petitioner

Vs

1. The Government of Tamil Nadu,
represented by its Principal Secretary,
Co-operation, Food and Consumer Protection Department,
Fort St.George, Chennai - 600 009.
 2. The Registrar of Cooperative Societies,
Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
 3. The Joint Registrar of Cooperative Societies,
Sivagangai Region,
Sivagangai.
 4. The Deputy Registrar of Cooperative Societies,
Karaikudi,
Sivagangai District.
 5. MM544, Ulagampatty Primary Agricultural
Cooperative Credit Society,
represented by its Secretary,
Ulagampatti Post,
Singampunari Taluk,
Sivagangai District.
- ..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to direct the fifth respondent to return the deposit amount of Rs.2,00,000/- to the Petitioner which was deposited by him with the fifth respondent vide Fixed Deposit Receipt No.4666 and 4676, dated 24.11.2010 and 24.12.2010 respectively with interest at the rate of 18% p.a from the date of deposit to the date of payment, within the time frame specified by this Court.

For Petitioner : Mr.R.Subramanian.

For Respondents : Mrs.J.Padmavathy,

1 to 4 Special Government Pleader

For Respondent-5 : Mr.M.Jeyakumar

**ORDER**

The Petitioner prays for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to direct the fifth respondent to return the deposit amount of Rs.2,00,000/- to the Petitioner which was deposited by him with the fifth respondent vide Fixed Deposit Receipt No.4666 and 4676, dated 24.11.2010 and 24.12.2010 respectively with interest at the rate of 18% p.a from the date of deposit to the date of payment, within the time frame specified by this Court.

2.Heard the submissions made on either side and perused the materials placed before this Court.

3.The learned counsel for the Petitioner would submit that he had deposited a sum of Rs.2 lakhs to the fifth respondent in Fixed Deposit Receipt Nos.4666 and 4676, dated 24.11.2010 and 24.12.2010 respectively. Even though for the above said deposits, the maturity period is over, the petitioner was not in a position to get back his money and similarly placed persons also made a request for the same. But inspite of repeated representations, to the fifth respondent to return the money, nothing has been fruitful so far. By letter, dated 31.7.2014 in Na.Ka.No.41/2014, Sa.Pa, the fourth respondent sent the proposal to the Government to sanction the said money and as and when the Government sanctions money, the said deposited amount will be returned to the depositors. The fifth respondent inspite of directions being issued, has not returned the money and they have returned the money to some persons, who are influential and they have not returned the Petitioner's money. Aggrieved by the said act of the fifth respondent, the Petitioner has approached this Court by way of mandamus.

4.Similarly placed persons have filed Writ Petition before this Court in W.PMD)Nos.15933 of 2017 and 15944 of 2017 and orders has been passed by this Court directing the respondents therein to refund the Petitioners money within a period of two weeks from the date of receipt of a copy of this order with 18% interest per annum and the Petitioner's case is also placed in the same pedestal.

5.Accordingly, the respondents concerned is directed to refund the Petitioner's money deposited by him with 18% interest per annum within a period of two weeks from the date of receipt of a copy of this order. The petitioner's statement that it is his hard earned money which has to be returned to the Petitioner and the respondents are duty bound to return the same to the Petitioner.

6.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Writs)



To

1. The Principal Secretary,
Co-operation, Food and Consumer Protection Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2. The Registrar of Co-operative Societies,
Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

3. The Joint Registrar of Co-operative Societies,
Sivagangai Region,
Sivagangai.

4. The Deputy Registrar of Co-operative Societies,
Karaikudi,
Sivagangai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 94756
+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 94494

VSN

TE/SV/SAR-2 : 28/11/2018 : 3P/7C

W.P (MD) No.15001 of 2018

08.11.2018