

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.37883 of 2004

S.Arokiasamy
S/o.Jornes Reddy
Power of Attorney Agent of

1.Sagily Inniah Amaldoss

2.S.A.Balammal

3.S.Pannerselvam

All are residing at George Street
Kilacheri Village
Tiruvallur Taluk & District. ...Petitioners

Vs

1. The Deputy Registrar of
Co operative Societies
Tiruvallur, Tiruvallur District

2. The Special Officer
Kilacheri Cooperative
Agricultural Bank JJ-106
Kilacheri Village & Post
Tiruvallur Taluk & District ...Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of mandamus, directing
the 2nd respondent to repay the maturity value of the fixed
deposits bearing Nos. F.D. No. 976, F.D.No. 977, F.D.No. 972,
F.D.No.973 and F.D.No. 974 to the petitioners.

For Petitioner : Mr.G.Jeremiah

For Respondents : M/s.T.Girija,
Government Advocate (Co-op)

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 2nd respondent to repay the maturity value of the fixed deposits bearing Nos. F.D. No. 976, F.D.No. 977, F.D.No. 972, F.D.No.973 and F.D.No. 974 to the petitioners.

2. The learned counsel for the petitioner states that the writ petitioner is the member of the 2nd respondent/ Co-operative society and made fixed deposits. The grievances of the writ petitioner is that on maturity fixed deposits amounts were not paid to the writ petitioner along with interest as per the terms and conditions. The learned counsel for the writ petitioner states that the Co-operative banks are also bound to follow the Reserve Bank of India Regulations in respect of accepting fixed deposits and repayment of the matured deposits.

3. This Court is of an opinion that the present writ petition is filed against the Co-operative Society, registered under the provisions of the Tamil Nadu Co-operative Societies Act 1983, which is not a State within the meaning of Article 12 of the Constitution of India. This apart, an alternative remedy is provided under Section 90 of the Tamil Nadu Co-operative Society Act 1983. The disputes between the Management and the members shall be adjudicated by the competent authority under section 90 of the Act. This being the factum of the case, the writ petitioner has to approach the competent Forum for the purpose of redressing his grievances and no writ petition can be entertained as the 2nd respondent / Cooperative Society is not a State within the meaning of Article 12 of the Constitution of India and the legal principles in this regard are settled by the Larger Bench in the case of Marappan and others Vs. Deputy Registrar of Co-operative Societies, Namakkal reported in 2006 (4) CTC 689.

4. Accordingly, the petitioner is at liberty to approach the competent Forum for the purpose of redressing his grievances in the manner known to law.

5. With these observations, the writ petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

kak/kmm

To

1. The Deputy Registrar of
Co operative Societies
Tiruvallur, Tiruvallur District
2. The Special Officer
Kilacheri Cooperative
Agricultural Bank JJ-106
Kilacheri Village & Post
Tiruvallur Taluk & District

W.P.No.37883 of 2004

VBA (CO)
GMY (12/02/2019)



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