

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.22779 of 2019
and W.M.P.No.22325 of 2019

1.Arulselvan

2.K.Kalaiselvi
W/o.Arulselvan

3.Minor A.K.Lohithram
Rep.by Father and Guardian
P.Arulselvan ... Petitioners

/versus/

- 1.The Registrar of Co-operative Housing Society,
No.8, Ritherdon Road, Vepery,
Chennai-600 007.
- 2.The Deputy Registrar of Co-operative Housing Society,
No.3/315 Rhevi Chit Funds Complex,
Junction Main Raod,
Near Raja Kalyana Mandapam,
Salem-636 004.
- 3.The Managing Director,
Tamil Nadu Housing Federation,
No.8, Ritherdon Road, Vepery,
Chennai-600 007.
- 4.The Velur Co-operative Building Society Limited,
Kaveri River Road,
Paramathivelur 636 182,
Namakkala District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to repay the principal amount of Rs.18,00,000/-, pertaining to Receipt Nos.2505 to 2522 issued by the 4th respondent bank, together with arrears of interest accrued till the date of repayment within the time frame.

For petitioners : Mr.S.Senthil
For Respondents : Mr.D.Venkatachalam
Addl.Govt.Pleader for R1 & R2
Mr.R.Bala Ramesh
Spl.Govt.Pleader for R3 & R4

O R D E R

The petitioners are the legal heirs of Palaniappan. They have deposited a total sum of Rs.21,00,000/- in the 4th respondent Building Society on 19.12.2015 as below:

- a) In the name of 1st petitioner : Rs.8,00,000/-
- b) In the name of 2nd petitioner : Rs.8,00,000/-
- c) In the name of 3rd petitioner : Rs.5,00,000/-

2. The said fixed deposits got matured on 19.12.2017. The 4th respondent has so far paid only a sum of Rs.3,00,000/- in total on three different dates and the balance sum has not been paid. Hence, the present writ petition is filed seeking mandamus to direct the 4th respondent to pay the deposited amount covered under receipt Nos. 2505 and 2522 within stipulated time with accrued interest.

3. The learned counsel for the petitioners would submit that ever since 2017 immediately after maturity of the deposited amount, the petitioners have made a request to the authorities to pay the matured amount, but till date, there is no response. In fact on 20.02.2019 a legal notice was issued to the 4th respondent and copy was sent to the Registrar Tamil Nadu Housing Federation. On receipt of the legal notice, office of the Registrar Tamil Nadu Co-operative Housing Federation vide letter dated 22.05.2019 directed the Deputy Registrar of Co-operative Housing Society Salem Division to look into the grievance of the petitioners herein and take action immediately. In spite of that, the 2nd respondent has not taken care to repay the deposited amount with interest.

4. The learned Special Government Pleader appearing for the respondents 3 and 4 would submit that the 4th respondent Society is unable to mobilize the amount and pay the money immediately and seeks time to pay the deposited amount.

5. It is unfortunate to say that the Co-operative Society, which has collected the deposit money refused to pay the money on maturity and seeks time to repay the

amount. The officials who are the respondents 1 to 3 despite notice has not cared to redress the grievance of the petitioners. For nearly two years, the petitioners have been deprived of money deposited by them.

6. Hence, the 1st respondent is hereby directed to take notice of the finance impropriety on the part of the 4th respondent and to arrange to repay the deposited amount to the petitioners herein along with accrued interest within four weeks from today.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Registrar of Co-operative Housing Society,
No.8, Ritherdon Road, Vepery,
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- 4.The Velu Co-operative Building Society Limited,
Kaveri River Road,
Paramathivelur 636 182,
Namakkala District.

+1cc to Mr.R.Bala ramesh , Advocate SR.No. 74222

+1 cc to Government Pleader Sr.No. 74631

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A.SK(01/10/2019)