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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) Nos. 15035 & 15036 of 2019

K. Silumbayee ... Petitioner in W.P.(MD)
No. 15035 of 2019

K. Manoharan ... Petitioner in W.P.(MD)
No. 15036 of 2019

vs.

1.The Deputy Registrar of Cooperative Societies,
Karur District, Karur.

2. The Special Officer,
MM 164 Veerarackiyam Primay Agriculture
Cooperative Bank Limited,
Veerarackiyam,
Krishnarayapuram Taluk,
Karur District.

... Respondents in both Wps.

PRAYER in W.P.(MD) No.15035 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of **Writ of Mandamus**, directing the respondents to repay the fixed deposit made by the petitioner under Deposit Receipt No. 0972 dated 24.10.2005 for Rs.5,000/-with accrued interest until the date of payment.

PRAYER in W.P.(MD) No.15036 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of **Writ of Mandamus**, directing the respondents to repay the fixed deposit made by the petitioner under Deposit Receipt dated 17.03.2003 for Rs.20,000/-with accrued interest until the date of payment.

In Both the Wps.

For Petitioner	:	Mr.M. Bindran
For Respondents	:	Mr.M.Rajarajan, Government Advocate

O R D E R

W.P.(MD) No.15035 of 2019 has been filed to direct the respondents to repay the fixed deposit made by the petitioner under Deposit Receipt No. 0972 dated 24.10.2005 for Rs.5,000/-with accrued interest until the date of payment.

W.P.(MD) No.15036 of 2019 has been filed to direct the

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respondents to repay the fixed deposit made by the petitioner under Deposit Receipt dated 17.03.2003 for Rs.20,000/-with accrued interest until the date of payment.

2. The learned counsel appearing for the writ petitioners submits that the petitioners herein are the holders of the fixed deposits in the second respondent Co-operative Bank.

3. The grievance of the writ petitioners is that even though the fixed deposits got matured long time back, the amount is not being returned and that necessitated filing of these writ petitions.

4. When the matter was taken up for disposal on the last occasion, a submission was made by the second respondent that an employee working in the Bank had forged the FD receipts and that the amounts were never credited to the account of the Bank.

5. I am of the view that the Bank will have to be necessarily fastened with vicarious liability for the acts of its employee. As far as the writ petitioners are concerned, they had transacted only with the Bank. It was the Bank which authorised its employees to receive the amounts from the writ petitioners. If something had gone amiss, it is for the Bank to make good the loss. The Bank cannot conveniently argue that it would not be liable and that the petitioners should proceed only against the individual employee to whom the monies were handed over. Such a submission is not only strange but also shocking to the judicial conscience of this Court. Therefore, the second respondent is directed to repay the fixed deposits made by the writ petitioners with interest of 7%, within a period of Twelve weeks from the date of receipt of a copy of this order.

6. These writ petitions are allowed accordingly. No costs.

Sd/-

Assistant Registrar (W)

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/ /2020

Sub Assistant Registrar (CS)

ksa

To

1. The Deputy Registrar of Cooperative Societies,
Karur District, Karur.

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2. The Special Officer,
MM 164 Veerarackiyam Primary Agriculture
Cooperative Bank Limited,
Veerarackiyam,
Krishnarayapuram Taluk,
Karur District.

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+2 CC to M/s.M.BINDRAN, Advocate (SR-95860[F],SR-95861[F] dated
04/11/2019)

W.P. (MD) Nos. 15035 & 15036 of 2019
01.11.2019

KK/SAR/09.01.2020/3P-5C/