



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.21114 of 2019

M.Mohammed Kabir

: Petitioner

Vs.

1.The Joint Registrar of Co-operative Society,
District Collector Office Campus,
Nagercoil and Post,
Kanyakumari District.

2.The Deputy Registrar of Co-operative Societies,
Nagercoil,
District Collector Office Campus,
Nagercoil and Post,
Kanyakumari District.

3.The Secretary,
Veeranarayanaseery Primary Agricultural
Co-operative Credit Society Ltd., No.Y-30,
Veerani, Aloor Post,
Kalkulam Taluk,
Kanyakumari District.

4.Anzala

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 21.11.2018 and may disburse the fixed deposit money to the petitioner forthwith.

For Petitioner

: Mr.K.P.Narayanakumar

For Respondents 1&2

: Mrs.J.Padmavathy Devi,
Special Government Pleader

For Respondent No.3

: Mr.C.Ramar



ORDER

The petitioner's mother deposited a sum of Rs.15,00,000/- [Rupees Fifteen Lakhs only] on 29.11.2011 and 30.11.2011 with the third respondent Society. Thereafter, she died, pursuant to which, the legal heirs of the deposit holder are entitled to get the money on its maturity. Even though the fixed deposit got matured, the third respondent Society has not disbursed the amount to the legal heirs. Aggrieved over the same, the petitioner made a representation on 11.02.2015 and also sent a legal notice on 21.11.2018 to the respondents 1 to 3, seeking disbursement of his share. But, till date, the respondents 1 to 3 have not released the money. Aggrieved over the same, the petitioner is before this Court.

2. Mrs.J.Padmavathy Devi, learned Special Government Pleader, appears for the first and second respondents and Mr.C.Ramar, learned counsel, appears for the third respondent.

3. Considering the facts and circumstances of the case, this Court is of the considered opinion that when the amount gets matured, it shall be disbursed to the depositor. When the depositor is not alive, the Society has to disburse it to the legal heirs on production of the Legal Heir Certificate from the competent authority. Therefore, a direction is issued to the third respondent to consider the representation of the petitioner dated 21.11.2018 and after giving notice to all the parties concerned, take suitable action in this aspect, within a period of four weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Joint Registrar of Co-operative Society,
District Collector Office Campus,
Nagercoil and Post,
Kanyakumari District.



2.The Deputy Registrar of Co-operative Societies,
Nagercoil,
District Collector Office Campus,
Nagercoil and Post,
Kanyakumari District.

+1 CC to Mr.K.P.NARAYANAKUMAR, Advocate (SR-90945[F] dated 03/10/2019)
+1 CC to SPL.GP (SR-91183[F] dated 03/10/2019)

Order made in
W.P. (MD) No.21114 of 2019
Dated: 01.10.2019

SML
VB(21.10.2019) 3P 5C