



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2019

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

W.P. (MD)No.21924 of 2018
and W.M.P. (MD)No.19851 of 2018

A.George Arulappan @ Piragaspathy

... Petitioner

Vs.

1.Tamil Nadu Co-operative Societies

Rep.by its Joint Registrar of Co-operative Societies,
Tirunelveli Region, Palayamkottai,
Tirunelveli-627 002.

2.01902, The Alangulam Primary Agricultural

Co-operative Bank Ltd.,
Rep.by its Secretary,
Alangulam, Tirunelveli District-627 851.

3.01902, The Alangulam Primary Agricultural
Co-operative Credit Society, Nallur Branch,
Rep.by its Mangaer, Nallur, Alangulam,
Tirunelveli District-627 853.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay a sum of Rs.9,20,322/- being matured value of the fixed deposits as on 08.07.2018 on the basis of 3 fixed deposit receipts in Account No.19 to 21 dated 08.09.2010 issued by the third respondent with interest at the rate of 24% per annum.

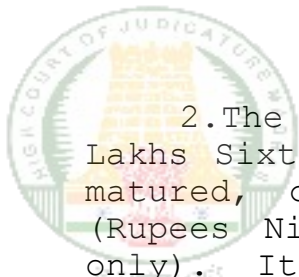
For Petitioner : Mr.Arun Jayatram

For Respondents : Mrs.J.Padmavathi Devi,

Special Government Pleader.

ORDER

This Writ Petition has been filed to direct the respondents to pay a sum of Rs.9,20,322/- (Rupees Nine Lakhs Twenty Thousand Three Hundred and Twenty Two only) being matured value of the fixed deposits as on 08.07.2018 on the basis of 3 fixed deposit receipts in Account No.19 to 21 dated 08.09.2010 issued by the third respondent with interest at the rate of 24% per annum.



2.The petitioner deposited a sum of Rs.4,60,000/- (Rupees Four Lakhs Sixty Thousand only) with the third respondent Bank. It got matured, on 08.07.2018 and the matured amount is Rs.9,20,322/- (Rupees Nine Lakhs Twenty Thousand Three Hundred and Twenty Two only). It appears that the Manager of the Bank has misappropriated the money belonging to the customers by forging their signatures. Therefore, the Bank withheld the amount pending enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983. Aggrieved over the non-disbursement of the money deposited by him, the petitioner is before this Court for a direction directing the respondent Bank to pay a sum of Rs.9,20,322/- (Rupees Nine Lakhs Twenty Thousand Three Hundred and Twenty Two only) along with interest at the rate of 24% per annum.

3.The Government denied the contention of the petitioner and would submit that the petitioner has obtained loan on the fixed deposit and therefore, they are not liable to pay the entire amount and the petitioner is entitled only for a sum of Rs.5,50,322/- (Rupees Five Lakhs Fifty Thousand Three Hundred and Twenty Two only) along with interest.

4.As per directions of this Court, an enquiry report under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, was produced before this Court. A perusal of the same, shows that the charge against the Manager forging signature of the petitioner held proved. In that event, the respondent Bank has to disburse entire matured amount. Since the money is due from 08.07.2018, for the belated payment, the respondent Bank shall pay interest.

5.It is also submitted by the learned Special Government Pleader that it will take two months for the completion of the enquiry and they will disburse the money immediately after that.

6.Considering the above facts, a direction is given to the third respondent to disburse the entire matured amount of Rs.9,20,322/- (Rupees Nine Lakhs Twenty Thousand Three Hundred and Twenty Two only), immediately after the completion of the enquiry proceedings and the petitioner is entitled to get interest at the rate of 6% per annum from 08.07.2018 till the date of payment. This Writ Petition is ordered, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

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Sub Assistant Registrar (CS)



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Rep.by its Mangaer, Nallur, Alangulam,
Tirunelveli District-627 853.

+1 CC to M/s.SPL GP (SR-101126[F] dated 25/11/2019)

+1 CC to M/s.G. ETHIRAJALU, Advocate (SR-101349[F] dated 26/11/2019)

W.P. (MD) No.21924 of 2018

KK/SAR/19.12.2019/3P-6C/