



W.P(MD)Nos.22075 and 22078 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P(MD)Nos.22075 and 22078 of 2019

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Chinniah .. Petitioner in WP(MD)No.22075/2019

C.Karumbairam .. Petitioner in WP(MD)No.22078/2019

Vs.

1.The Government of Tamil Nadu,
rep. by its Principal Secretary,
Cooperation, Food and Consumer
Production Department,
Fort St. George, Chennai - 600 009.

2.The Registrar of Cooperative Societies,
Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

3.The Joint Registrar of Cooperative Societies,
Sivagangai Region,
Sivagangai.

4.The Deputy Registrar of Cooperative Societies,
Karaikudi, Sivagangai District.

5.N.N.544, Ulagampatty Primary Agricultural
Cooperative Credit Society,
rep.by its Secretary,
Ulagampatti Post,
Singampunari Taluk,
Sivagangai District.

... Respondents in both W.Ps.

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents 1 to 4 to direct the 5th respondent to return the deposit amount of Rs.55,000/- and Rs.55,000/- to the petitioners which was deposited by them with the 5th respondent him vide fixed deposit Receipt Nos.000468 and 000467 dated 25.09.2007 respectively with interest at the rate of 18 percent per annum from the date of deposit to the date of payment within the time frame fixed by this Court.

(in both WP's)

For Petitioners : Mr.R.Subramanian



For R1 to R4 : Mrs.J.Padmavathi Devi
Special Government Pleader
For R5 : Mr.S.Angappan
Government Advocate
in both writ petitions.

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COMMON ORDER

The Petitioners pray for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to direct the fifth respondent to return the deposit amount of Rs.55,000/- and Rs.55,000/- respectively to the Petitioners which was deposited by them with the fifth respondent vide Fixed Deposit Receipt Nos.000468 and 000467 dated 25.09.2007 respectively with interest at the rate of 18% per annum from the date of deposit to the date of payment.

2.Heard the submissions made on either side.

3.The learned counsel for the Petitioners would submit that each petitioner had deposited a sum of Rs.55,000/- to the fifth respondent in Fixed Deposit Receipt Nos.000468 and 000467 dated 25.09.2007. Even though for the above said deposits, the maturity period is over, the petitioners were not in a position to get back their money and similarly placed persons also made a request for the same. But inspite of repeated representations made to the fifth respondent to return the money, so far, no fruitful result is forthcoming. By letter, dated 31.7.2014 in Na.Ka.No.41/2014, Sa.Pa, the fourth respondent sent a proposal to the Government to sanction the said money and as and when the Government sanctions money, the said deposited amount will be returned to the depositors. The fifth respondent inspite of directions being issued, has not returned the money and they have returned the money to some persons, who are influential and they have not returned the Petitioner's money. Aggrieved by the said act of the fifth respondent, the Petitioners have approached this Court by way of mandamus.

4.Similarly placed persons have filed Writ Petition before this Court in W.PMD)Nos.15933 of 2017 and 15944 of 2017 and orders has been passed by this Court directing the respondents therein to refund the Petitioners' money within a period of two weeks from the date of receipt of a copy of this order with 18% interest per annum and the Petitioner's case is also placed in the same pedestal.

5.Accordingly, the respondents concerned are directed to refund the Petitioners' money deposited by them, with 18% interest per annum within a period of two weeks from the date of receipt of a copy of this order. The petitioners' statement is that it is their hard earned money, which has to be returned to them and the respondents are duty bound to return the same to the Petitioners.



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6.With the above directions, the Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Cooperation, Food and Consumer
Production Department,
Fort St. George,
Chennai - 600 009.
 - 2.The Registrar of Cooperative Societies,
Periyar EVR High Road,
Kilpauk,
Chennai - 600 010.
 - 3.The Joint Registrar of Cooperative Societies,
Sivagangai Region,
Sivagangai.
 - 4.The Deputy Registrar of Cooperative Societies,
Karaikudi,
Sivagangai District.
- +2 CC to M/s.R.SUBRAMANIAN, Advocate (SR-93159[F] dated 21/10/2019)
- +1 CC to M/s.SPL GP (SR-93648[F] dated 22/10/2019)

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KK/SAR/04.11.2019/3P-8C/