



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **18.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P(MD)No.25836 of 2019

WEB COPY

- 1.V.K.Chinnasamy
- 2.P.Murugesan
- 3.Kalarani
- 4.M.Balambal
- 5.Lakshmi
- 6.Malaiyammal
- 7.P.Kandasamy
- 8.Geethamani
- 9.Vellaiyammal
- 10.Malar

... Petitioners

Vs.

- 1.The Deputy Registrar of Co-operative Societies,
Karur District,
Karur.

- 2.The Secretary,
MM 164, Veerarackiyam Primary Agriculture
Co-operative Bank Ltd.,
Veerarackiyam,
Krishnapuram Taluk,
Karur District.

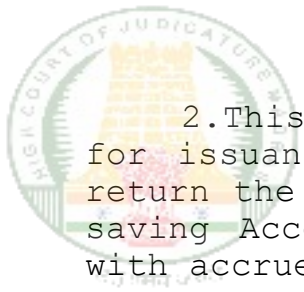
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to return the entire money available in the name of petitioners in saving Account and fixed deposits maintained at 2nd respondent with accrued interest until the date of payment.

For Petitioners	: Mr.K.Govindarajan
For R1	: Mrs.J.Padmavathi Devi Special Government Pleader
For R2	: Mrs.S.Srimathi Standing Counsel

ORDER

Heard Mr.K.Govindarajan, learned counsel appearing for the petitioners, Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the first respondent and Mrs.S.Srimathi, learned Standing Counsel appearing for the second respondent.



2.This Writ petition has been filed by the petitioners praying for issuance of a Writ of Mandamus, directing the respondents to return the entire money available in the name of the petitioners in saving Account and fixed deposits maintained at second respondent with accrued interest till the date of payment.

3.The petitioners before this Court are the investors, who have invested in the fixed deposit. The details of which are as follows:

Sl.No.	Name	Money Due
1.	V.K.Chinnasamy	Savings Account No.714 Balance Rs.65,000/-
2.	P.Murugesan	Savings Account No.1132/6 Balance Rs.41,300/-
3.	Kalarani	Fixed Deposit Receipt No.18 Rs.25,000/-
4.	M.Balambal	Fixed Deposit Receipt No.955 Rs.12,500/-
5.	Lakshmi	Fixed Deposit Receipt No.957 Rs.21,500/-
6.	Malayammal	Fixed Deposit Receipt No.958 Rs.7,000/-
7.	P.Kandasamy	Fixed Deposit Receipt No.929 Rs.10,000/- Fixed Deposit Receipt No.930 Rs.7,000/- Fixed Deposit Receipt No.931 Rs.6,000/-
8.	Geethamani	Fixed Deposit Receipt No.944 Rs.10,000/-
9.	Vellaiammal	Fixed Deposit Receipt No.944 Rs.10,000/-
10.	Malar	Fixed Deposit Receipt No.928 Rs.25,000/-

The said fixed deposits, after attaining maturity, had not been returned to the petitioners. Hence, the petitioners are before this Court.

4.The learned Standing Counsel appearing for the second respondent, upon notice, submitted that one of the employees working in the Bank, who had collected the money in fixed deposit in all the accounts, has never credited to the account of the depositors and that was not even noticed by the Bank.

5.The issue is only between the employee and the Bank. The petitioners are only poor investors, who got no knowledge about the fraud being played by the employee concerned. It is fairly admitted that the second respondent Society is liable to return their investments/depositors money. Merely, because, a criminal case is



pending against the employee concerned, the poor investors cannot be made to wait.

6.It is for the second respondent to return/repay the money as indicated in the schedule and then to recover the same from the concerned employee. Hence, the second respondent is directed to repay the money as indicated in the schedule to all the writ petitioners with accrued interest, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above directions, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Deputy Registrar of Co-operative Societies,
Karur District,
Karur.

2.The Secretary,
MM 164, Veerarackiyam Primary Agriculture
Co-operative Bank Ltd.,
Veerarackiyam,
Krishnapuram Taluk,
Karur District.

+1 CC to M/s.S.SRIMATHY, Advocate (SR-105508[F] dated 18/12/2019)
+1 CC to SPL.GP (SR-105998[F] dated 19/12/2019)
+1 CC to Mr.G.GOVINDARAJAN, Advocate (SR-105768[F] dated
18/12/2019)

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