



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13953 of 2021

WEB COPY

1.S.Subramanian

2.K.Kannadasan

3.K.Ganesan

4.K.Irulandi

5.V.Kannappan

6.S.Valli

7.T.Rakkan

8.R.Bhuvaneshwari

9.P.Manoharan

10.S.Ramalakshmi

11.S.Muthaiah

12.S.Rekha

13.M.Ramalakshmi

... Petitioners

Vs.

1.The Secretary to the Government,
Department of Co-operation, Food & Consumer Protection,
Fort St. George, Chennai - 600 009.

2.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maaligai,
E.V.R.Periyar High Road,
Kilpauk, Chennai - 600 010.

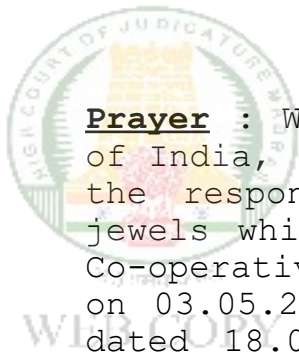
3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Sivagangai Region, Gandhi Road,
Sivagangai District - 630 561.

4.The Managing Director,
Sivagangai Central Co-operative Bank Limited,
Sivagangai District.

5.The President/Secretary,
Athapadakki Primary Agricultural Co-operative Credit Society,
Athapadakki Post, Kalaiyarkovil Taluk,
Sivagangai District.

6.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to pay the compensation for the burgled jewels which were pledged by the petitioners in the 5th respondent Co-operative Bank due to the theft that took place in the said Bank on 03.05.2015 by considering the representation of the petitioners dated 18.08.2020, 20.08.2020, 21.08.2020, 24.08.2020, 29.08.2020, 07.09.2020 and 21.09.2020, within the time stipulated by this Court.

For Petitioners : Mr.C.Gangai Amaran
For Respondents : Mr.R.Baskaran for R1 to R3 & R6
Standing Counsel for State.
Mr.Shanmugaraja Sethupathi for R4

ORDER

The petitioners seek compensation for the loss of jewels which were pledged by the petitioners in the fifth respondent Co-operative Credit Society.

2.The petitioners state that they had availed of loans from the fifth respondent Credit Society and they pledged their jewels as security in connection therewith. It is stated that a theft took place in the said Credit Society on 03.05.2015. As a result, it is alleged that the jewels described in paragraph 5 of the affidavit in support of the writ petition were stolen.

3.Consequently, the petitioners lodged a police complaint before the Superintendent of Police, Sivagangai District and it is stated that criminal proceedings were initiated on such basis and are pending in C.C.No.337 of 2016 on the file of the Judicial Magistrate No.I, Sivagangai. It is also stated that the stolen property was recovered by the police during the investigation and that a petition had been filed for return of the recovered property. The present writ petition is filed because the multiple representations to the respondents herein did not elicit an appropriate response.

4.Mr.R.Baskaran, learned Standing Counsel for the State, accepts notice on behalf of respondents 1 to 3 and 6. Mr.Shanmugaraja Sethupathi, learned counsel, accepts notice on behalf of the fourth respondent.

5.In proceedings under Article 226 of the Constitution, it is not convenient or appropriate to address a claim for monetary compensation. Such a claim would entail adducing of evidence as to the nature, quantity and value of the jewellery, which was pledged by the petitioners with the fifth respondent, and which were allegedly the subject matter of theft. In the case at hand, it appears that the trial in the ongoing criminal proceedings has commenced and, indeed, the petitioners state that the stolen



property was recovered.

6.For the reasons aforesaid, this Court is not inclined to exercise discretionary jurisdiction with regard to a claim for monetary compensation. However, it will be open to the petitioners to institute appropriate civil proceedings in accordance with law or seek remedies in the pending criminal proceedings.

7.W.P.(MD).No.13953 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to the Government,
Department of Co-operation, Food & Consumer Protection,
Fort St. George, Chennai - 600 009.

- 2.The Registrar of Co-operative Societies,
Office of the Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maaligai,
E.V.R.Periyar High Road,
Kilpauk, Chennai - 600 010.



3.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Sivagangai Region, Gandhi Road,
Sivagangai District - 630 561.

4.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

+1 CC to M/s.Special Government Pleader (SR-26067[F] dated
12/08/2021)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-26263[F] dated
13/08/2021)

W.P (MD) No.13953 of 2021
11.08.2021

RS (23.08.2021) 4P 7C