



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1039 of 2022  
and  
W.M.P.No.1106 of 2022

Subashini

...Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,  
No.170, N.V.Natarajan Maligai,  
Periyar EVR High Road,  
(Poonamalle High Road),  
Kilpauk,  
Chennai - 600 010.
  - 2.The Deputy Registrar of Co-operative Society,  
Office of Deputy Registrar of Co-operative Societies,  
9A-Vandavasi Road,  
Kanchipuram.
  - 3.The Chinglepet District P.W.D.High Ways,  
T.W.A.D. Industries and Commerce  
Department Employees Co-operative Thrift  
and Credit Society,  
Kanchipuram represented by its Secretary.  
Taluk office Compound,  
Kanchipuram,  
Kanchipuram District
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to direct the 3<sup>rd</sup> respondent to repay the petitioner, the amounts deposited by the petitioner with the 3<sup>rd</sup> respondent vide Fixed deposits receipts bearing FDR No.7194, 7195, 7196, 7197 along with subsequent interest from 13.01.2021 till date of payment.

For Petitioner : Mr.T.Sathiyamoorthy

For Respondents : Mrs.S.Anitha  
Special Government Pleader  
[Co-operative Societies]



## ORDER

The relief sought for in the present writ petition is to direct the 3<sup>rd</sup> respondent to repay the petitioner, the amounts deposited in the 3<sup>rd</sup> respondent Society vide fixed deposits bearing FDR Nos.7194, 7195, 7196 and 7197.

2. The petitioner states that her husband Mr.Venkatesan was working in the 3<sup>rd</sup> respondent Society for about 36 years. The 3<sup>rd</sup> respondent/Society is a Co-operative Society registered under the Tamil Nadu Co-operative Societies Act. The petitioner states that she is a Musician practicing Carnatic Music. She deposited some amount with the 3<sup>rd</sup> respondent/Society. However, even after the maturity of the deposits the 3<sup>rd</sup> respondent Society has not returned back the deposited money to the petitioner.

3. As far as the dispute is concerned it is between the 3<sup>rd</sup> respondent/Society and the petitioner. The petitioner is the member of the 3<sup>rd</sup> respondent/Society, which is registered under the Tamil Nadu Co-operative Societies Act, which is not a State within the meaning under Article 12 of the Constitution of India. Thus, as per the Larger Bench judgment of this Court in the case of K.Marappan vs. The Deputy Registrar of Co-operative Societies and another reported in 2006 (4) CTC 689, the aggrieved persons has to exhaust the remedies provided under the provisions of the Act. Under Section 90 of the Tamil Nadu Co-operative Societies Act, a dispute can be raised by a member against the Society and an appeal lies before the Special Cooperative Tribunal under Section 152 of the Tamil Nadu Cooperative Societies Act. Thus, the petitioner has to exhaust all such Statutory remedy and thereafter approach the High Court for redressal if their grievances are not redressed.

4. Contrarily, the High Court cannot entertain such writ petition merely based on the representations and issue a direction to refund all the Fixed Deposit amount made by the petitioner. Such a procedure if adopted in the absence of any adjudication, there is a possibility of miscarriage of justice and therefore, all such disputed facts and circumstances are to be adjudicated in an elaborate manner for the purpose of redressal of the grievances of the litigants.

5. Thus, the petitioner is at liberty to approach the competent authority under the provisions of the Tamil Nadu Cooperative Societies Act for redressal of her grievances. In the event of approaching the authorities by the petitioner, such authorities are bound to dispose of the applications or appeals as expeditiously as possible.



6. With this direction, the Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jeni/Cse  
To

- 1.The Registrar of Co-operative Societies,  
No.170, N.V.Natarajan Maligai,  
Periyar EVR High Road,  
(Poonamalle High Road),  
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- 2.The Deputy Registrar of Co-operative Society,  
Office of Deputy Registrar of Co-operative Societies,  
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- 3.The Secretary,  
The Chinglepet District P.W.D.High Ways,  
T.W.A.D. Industries and Commerce  
Department Employees Co-operative Thrift  
and Credit Society,  
Kanchipuram.  
Taluk office Compound,  
Kanchipuram,  
Kanchipuram District.

+1 cc to Mr.T.Sathiyamoorthy, Advocate Sr.NO. 5510  
+1 cc to Government Pleader Sr.NO. 4901

W.P.No.1039 of 2022

rr(CO)  
A.SK(09.02.2022)