



W.P.No.22657 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.22657 of 2022

Vijayakumar

... Petitioner

Vs.

- 1.The Secretary,
Department of Co-operative,
Government of Tamil Nadu,
St.Geroge Fort,
Kamarajar Salai, Chennai.
- 2.The District Collector,
Collectorate Office,
Ranipet District.
- 3.The Regional Manager,
Chennai Central Co-operative Bank,
No.215, Prakasam Salai,
Broadway, Chennai – 600 018.
- 4.The District Manager,
The Vellore District Central Co-operative Bank,
No.10, Market Feeder Road Navalpur,
Ranipet District.



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5.The Vellore District Central Co-operative Bank Ltd,
Rep by its Branch Manager,
Kaveripakkam, Ranipet District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the 5th respondent to consider and dispose petitioner's representation dated 22.03.2022 requesting to hand over the funds deposited by petitioner's father late Govindarajn in 2 deposit bonds bearing Nos.215778-706517868 & 215779-708320846, for which petitioner was nominated as nominee.

For Petitioner : Mr.D.Thirumoorthy

For Respondents : Mr.M.Shahjahan
Special Government Pleader
for R1 & R2
Mr.N.Rajendiran
Additional Government Pleader
for R3
Mr.D.Ravichander
Special Government Pleader
for R4 & R5

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the 1st and 2nd respondents, Mr.N.Rajendiran, learned Additional Government Pleader takes notice on behalf of the 3rd respondent and



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Mr.D.Ravichander, learned Special Government Pleader takes notice on behalf of the 4th and 5th respondents.

2.The petitioner has filed this writ petition for a mandamus to direct the 5th respondent to consider and pass appropriate orders on the petitioner's representation dated 22.03.2022 by requesting 1st respondent to hand over the funds deposited by the petitioner's father late Govindarajan vide deposit bonds Nos.215778 -706517868 and 215779-708320846.

3.It is the specific case of the petitioner that petitioner's father late K.Govindarajan has passed away on 30.05.2018 and that the petitioner's father had deposited a sum of Rs.1,50,000/- in two deposit. It is submitted that despite several reminders, including reminder dated 22.07.2022, the 5th respondent has failed to pay the amount back to the petitioner as the legal heir of the petitioner's father.

4.The learned counsel for the 4th and 5th respondents on the other hand would submit that on 20.02.2021, the petitioner was called upon to furnish



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copy of the original receipt for the deposits bond. However, the petitioner has not produced the same. Under these circumstances, the amounts have not been refunded.

5.I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondents.

6.This writ petition is disposed at the time of admission, by directing the 5th respondent to consider the petitioner's request to refund of the amount deposited by the petitioner's father for a sum of Rs.1,00,000/- on 27.02.2020 and a sum of Rs.50,000/- on 12.07.2022 vide deposits bonds Nos.215778-706517868 and 215779-708320846. In case, the claim of the petitioner is genuine and the petitioner is unable to produced any original copy of the deposit and in absence of any rival claim, the amount may be paid back to the petitioner after obtaining appropriate securities from the petitioner. This exercise can be carried out by the 5th respondent within a period of three weeks from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition stands disposed of with the above

observations. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
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To

1. The Secretary,
Department of Co-operative,
Government of Tamil Nadu,
St. George Fort,
Kamarajar Salai, Chennai.
2. The District Collector,
Collectorate Office, Ranipet District.
3. The Regional Manager,
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Today, this writ petition is listed under the caption “for being mentioned” at the instance of learned counsel for the petitioner. The learned Special Government Pleader for the first and second respondents and the learned Special Government Pleader for the fourth and fifth respondents are also present.

2. The learned counsel for the petitioner submits that there are few typographical errors in the order passed by this Court on 30.08.2022 in W.P.No.22657 of 2022 and that may be corrected.

3. The learned Special Government Pleader for the first and second respondents and the learned Special Government Pleader for the fourth and fifth respondents also confirms the same.



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4.. Considering the submission of the learned counsel for the petitioner, there shall be the following corrections in the order dated 30.08.2022:-

- (a) In para – 6, in sixth line, the word 'produced', stands substituted with “produce” and the word “any” shall stand deleted.
- (b) In para-6, in seventh line after the word “deposit” the words “ and in absence of any rival claim” shall stand deleted.
- (c) In para- 6, in eight line, after the words “ from the petitioner” the following words shall be inserted : -
“to cover the contingency of any rival claim in future”

Registry is directed to carry out the aforesaid corrections and issue fresh copy of the order to the parties.

14.12.2022

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14.12.2022