



W.P(MD)No.672 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.672 of 2019

and

W.M.P(MD)No.568 of 2019

Nagarajan

... Petitioner

Vs

1.The President,
SP.SPL.86, Nalur Primary Agriculture,
Co-operative Credit Society,
Nalur, at Uluthimadai,
Thiruchuli Taluk,
Virudhunagar District.

2.The Deputy Registrar of Co-operative Societies,
Virudhunagar District.
***(R.2 is suo motu impleaded vide order
of this Court dated 20.12.2022)***

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus, call for the records pertaining to the impugned auction notice dated 19.12.2018 issued by the respondent and quash the same as illegal connectively directing the respondent to handover the jewel in loan account number A/C.6605 dated 19.12.2013 which was already remitted by the petitioner.



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For Petitioner : Mr.B.Anandan

For Respondents : Mr.SRA.Ramachandran
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner had availed jewel loan from the first respondent Society in the year 2013. He would claim that the last installment due was paid by him on 03.10.2016 and that the Secretary of the first respondent Society issued not only receipt but also No Due Certificate. Since the payment was made during the closing hour, he was assured that the jewel will be returned the next day. But the Secretary Thiru.Balamurugan was absconded from the next day. Therefore, the petitioner was constrained to file the present writ petition.

3. The question that arises for consideration is whether the first respondent should return the pledged items to the petitioner. The answer is in the affirmative provided, the petitioner had actually paid the amount in question and had cleared the dues. If the Secretary had committed misappropriation, the customer cannot be made to suffer. However, one is not



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sure if the receipt and no objection certificate relied on by the petitioner are genuine documents.

4. Therefore, I direct the second respondent to conduct an enquiry in this regard. All that the second respondent will have to see is whether the petitioner made the payment on 03.10.2016. There are also some discrepancies regarding the loan amount. If the Secretary had put an inflated figure, again the petitioner cannot be made to suffer. All that the second respondent would see is whether the petitioner is victim. If that be so, the jewel will have to be returned to the petitioner herein. The entire enquiry shall be concluded within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent shall return the jewels to the petitioner based on the outcome of the enquiry. This writ petition is disposed of on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.12.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

- 1.The President,
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Co-operative Credit Society,
Nalur, at Uluthimadai,
Thiruchuli Taluk, Virudhunagar District.
- 2.The Deputy Registrar of Co-operative Societies,
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