



W.P.Nos.22013 and 22014 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.22013 and 22014 of 2018

And

W.M.P.No.8375 of 2023

L.Lakshmi

... Petitioner in W.P.22013/2018

S.S.Latchumanan

... Petitioner in W.P.22014/2018

Vs.

1.The Registrar (Housing)

Tamil Nadu Cooperative Housing Federation

No.48, Ritherdon Road,

Vepery, Chennai – 7.

2.The Erode Cooperative Building Society Ltd (A.A. 182)

Rep by its Manager

No.160, Thirunagar Colony,

K.N.K.Road, Erode.

... Respondents in both W.Ps.

Prayer in W.P.No.22013 of 2018:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to settle the matured deposits made by petitioner vide receipt Nos.8090, 8076, 8107, 8108, 8106, 8109, 8113 and 8111 along with interest forthwith.



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Prayer in W.P.No.22014 of 2018:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to settle the matured deposits made by petitioner vide receipt Nos.8069, 8070, 8071, 8072, 8073, 8074, 8075, 8077, 8078, 8079, 8080, 8101, 8099, 8100, 8102, 8103, 8104, 8105, 8089, 8114, 8116, 8117, 8118, 8110, 8112 and 8115 along with interest forthwith.

For Petitioners : Mr.V.Balamurugane

For Respondents : Mr.K.M.D.Muhilan for R1
Additional Government Pleader
Ms.T.Girija for R2

COMMON ORDER

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus directing the second respondent to settle the matured deposits made by petitioners along with interest forthwith.

2.The case of the petitioners is that the petitioners are husband and wife. The husband worked as Assistant in Sales Tax Department and retired on 30.10.2003. In the year 2006, his retirement benefits



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and the income from the sale proceeds of his ancestral property were deposited by the petitioners in the second respondent society to use the same for their daughter's education and marriage and were periodically renewed and the deposits got matured in the year 2016 – 2018, however, the amounts were not paid to them. Hence, these writ petitions.

3.The learned counsel appearing for the petitioners submitted that during the pendency of these writ petitions, the second respondent settled only the principal amount deposited by the petitioners, however, did not settle the interest for the deposited amount. Hence, this Court may issue direction to the respondents to pay the interest from the date of deposit till the date of payment.

4.The learned counsel appearing for the second respondent submitted that since the second respondent society is not running profitably, the second respondent is unable to pay interest for the deposited amount and hence, only the principal amount was paid to the petitioners.



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5. Heard the arguments advanced on either side and perused the materials available on record.

6. The facts in the present case is not in dispute. Admittedly, the petitioners are husband and wife. The petitioners made fixed deposits in the second respondent society to use the same for their daughter's education and marriage and renewed the same periodically. The deposits got matured in the year 2016 – 2018, however, only during the pendency of these writ petitions, the second respondent settled the principal amount deposited by the petitioners and the interest for the same has not yet been settled.

7. Though the second respondent claim that the society is not running profitably and hence they were unable to pay interest for the deposited amount, it is the duty cast upon the second respondent to pay the admissible interest amount in terms of the fixed deposit to the petitioners.

8. In view of the above, this Court directs the respondents to pay the accrued interest in terms of the fixed deposit, from the date of



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deposit till the date of payment, within a period of eight weeks from the date of receipt of a copy of this order.

9.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

15.03.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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M.DHANDAPANI,J.
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