



W.P. No. 21767 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 21767 of 2022

1. B.Sivagamasundari
2. V.Saritha
3. S.Revathi
4. S.Vengappan
5. T.Vijaya
6. S.Kannadasan
7. D.Santhakumari
8. N.Murugesan
9. K.V.K.Mahesh
10. P.Pavunmani
11. N.Bhuvaneshwari

... Petitioners

-VS-

1. The Deputy Registrar,
Tamil Nadu Co-operative Housing Scheme Office,
No. 17, Varathanar Street,
Chengalpattu District,
Chengalpattu – 603001.



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2. The President,
Sembakkam Co-operative Housing Society Ltd.,
No.37, Velacherry Main Road,
Mahalakshmi Nagar,
Selaiyur,
Chennai – 600073.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to make arrangements for refund of the deposit amount, deposited by the Petitioners with the Second Respondent's Society to the Petitioners together with interest within a stipulated time as this Court fixes.

For Petitioners : Mr. C.Prakasam

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader (for R1)

Mr. C.Kathiravan,
Special Government Pleader (for R2)

ORDER

Heard Mr. C.Prakasam, Learned Counsel for the Petitioners, Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First Respondent and Mr. C.Kathiravan, Learned Special Government Pleader appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioners, who are members of the Co-operative Society of the Second Respondent, are prosecuting this Writ Petition seeking return of the amounts invested by them in fixed deposit with the Co-operative Society of the Second Respondent.

3. It is contended by Learned Counsel for the Second Respondents that the Petitioners have efficacious remedy under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983, to raise arbitral disputes before the jurisdictional Registrar for the relief claimed, but in order to expedite payments due to the Petitioners, the Second Respondent has filed an affidavit dated 08.11.2023 undertaking to pay the amount in installments, which reads as follows:-

“3. I submit that the Second Respondent is willing to repay the deposits made by the Petitioners in the present Writ Petition in following manner:

(i) First Petitioner: Mrs. B.Sivagamasundari

<i>Fixed Deposit amount</i>	<i>Total amount to be refunded</i>	<i>Date on which fixed deposit amount can be refunded</i>
<i>Rs.2,00,000/- in Receipt No. 346 and Rs.2,00,000/- in Receipt No. 348</i>	<i>Rs. 4,00,000/-</i>	<i>(1) Rs. 2,00,000/- on 01.12.2023 (2) Rs. 2,00,000/-</i>



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(i) *Second Petitioner: V.Saritha*

<i>Fixed Deposit amount</i>	<i>Total amount to be refunded</i>	<i>Date on which fixed deposit amount can be refunded</i>
<i>Rs. 1,50,000/- in Receipt No. 218</i>	<i>Rs. 1,50,000/-</i>	<i>(i) Rs. 1,00,000/- on 31.12.2023</i> <i>(ii) Rs. 50,000/- on 31.01.2024</i>

(iii) *Third Petitioner: S.Revathi*

<i>Fixed Deposit amount</i>	<i>Total amount to be refunded</i>	<i>Date on which fixed deposit amount can be refunded</i>
<i>Rs. 1,50,000/- in Receipt No. 344 and Rs. 50,000/- in Receipt No. 348</i>	<i>Rs. 2,00,000/-</i>	<i>(i) Rs. 50,000/- on 31.12.2023</i> <i>(ii) Rs. 1,50,000/- on 31.03.2024</i>

(iv) *Fourth Petitioner: S.Vengappan*

<i>Fixed Deposit amount</i>	<i>Total amount to be refunded</i>	<i>Date on which fixed deposit amount can be refunded</i>
<i>(i) Rs. 5,00,000/- in Receipt No. 228</i> <i>(ii) Rs. 2,00,000/- in Receipt No. 313</i> <i>(iii) Rs. 2,00,000/- in Receipt No. 314</i> <i>(iv) Rs. 2,00,000/- in Receipt No. 428</i>	<i>Rs. 11,00,000/-</i>	<i>(i) Rs. 2,00,000/- by 31.12.2023</i> <i>(ii) Rs. 2,00,000/- by 31.03.2024</i> <i>(iii) Rs. 5,00,000/- by 30.06.2024</i> <i>(iv) Rs. 2,00,000/- by 30.09.2024</i>



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Fixed Deposit amount	Total amount to be refunded	Date on which fixed deposit amount can be refunded
(i) Rs. 20,000/- in Receipt No. 208	Rs. 1,50,000/-	(i) Rs. 20,000/- by 31.01.2024
(ii) Rs. 60,000/- in Receipt No. 293		(ii) Rs. 60,000/- by 31.01.2024
(iii) Rs. 50,000/-in Receipt No. 234		(iii) Rs. 20,000/- by 31.01.2024
(iv) Rs. 20,000/- in Receipt No. 408		(iv) Rs. 50,000/- by 28.02.2024

(vi) Sixth Petitioner: S.Kannadasan

Fixed Deposit amount	Total amount to be refunded	Date on which fixed deposit amount can be refunded
(i) Rs. 2,00,000/- in Receipt No. 345	Rs. 2,00,000/-	Rs. 2,00,000/- by 30.06.2024

(vii) Seventh Petitioner: D.Santhakumari

Fixed Deposit amount	Total amount to be refunded	Date on which fixed deposit amount can be refunded
(i) Rs. 45,000/- in Receipt No. 343	Rs. 45,000/-	Rs. 45,000/- by 31.12.2023

(viii) Eighth Petitioner: N.Murugesan

Fixed Deposit amount	Total amount to be refunded	Date on which fixed deposit amount can be refunded
Rs. 5,00,000/- in Receipt No. 311	Rs. 5,00,000/-	Rs. 5,00,000/- by 30.09.2024

(ix) Ninth Petitioner: K.V.K.Mahes



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<i>Fixed Deposit amount</i>	<i>Total amount to be refunded</i>	<i>Date on which fixed deposit amount can be refunded</i>
(i) Rs. 60,000/- in Receipt No. 319 (ii) Rs. 50,000/- in Receipt No. 400 (iii) Rs. 1,00,000/- in Receipt No. 399 (iv) Rs. 50,000/- in Receipt No. 409 (v) Rs. 25,000/- in Receipt No. 50 (vi) Rs. 35,000/- in Receipt No. 336 (vii) Rs. 50,000/- in Receipt No. 395 (viii) Rs. 25,000/- in Receipt No. 431	Rs. 3,95,000/-	(i) Rs. 60,000/- by 31.01.2024 (ii) Rs. 50,000/- by 31.03.2024 (iii) Rs. 1,00,000/- by 31.03.2024 (iv) Rs. 50,000 by 30.04.2024 (v) Rs. 25,000/- by 31.01.2024 (vi) Rs. 35,000/- by 31.03.2024 (vii) Rs. 50,000/- by 30.06.2024 (viii) Rs. 25,000/- by 30.06.2024

(x) *Sixth Petitioner: P.Pavunmani*

<i>Fixed Deposit amount</i>	<i>Total amount to be refunded</i>	<i>Date on which fixed deposit amount can be refunded</i>
(i) Rs. 2,00,000/- in Receipt No. 244	Rs. 2,00,000/-	Rs. 2,00,000/- by 30.09.2024

(xi) *Sixth Petitioner: N.Bhuvaneswari*

<i>Fixed Deposit amount</i>	<i>Total amount to be refunded</i>	<i>Date on which fixed deposit amount can be refunded</i>
(i) Rs. 30,000/- in Receipt No. 48 (ii) Rs. 35,000/- in Receipt No. 259 (iii) Rs. 30,000/- in Receipt No. 308	Rs. 95,000/-	(i) Rs. 30,000/- by 31.03.2024 (ii) Rs. 35,000/- by 31.03.2024 (ii) Rs. 30,000/- by 31.01.2024

4. *It is submitted that the Second Respondent has already*



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paid a sum of Rs. 3,00,000/- to the Fifth Petitioner namely

*T.Vijaya towards Receipt No. 343 on 29.03.2019 by way of
cheque No. 000822.*

5. *It is submitted that one Thiru K.Chandrasekaran who was erstwhile secretary of the Second Respondent committed suicide in his home on 16.01.2018 and he has committed several irregularities in the Second Respondent Society which caused severe loss to the society and the Respondents are taking steps to recover the money from legal heirs of the aforesaid K.Chandrasekaran by initiating appropriate proceedings which has been detailed in the Counter and additional Counter filed by the Second Respondent society.*

6. *It is submitted that since the Second Respondent society is facing severe financial contingency, the Second Respondent society is unable to pay the accrued interest for the deposits made by the Petitioners herein.*



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7. *It is respectfully submitted that this Hon'ble Court may be placed to record the above submissions and permit the Second Respondent society to make payments to the Petitioners as per the schedule."*

While it shall be incumbent upon the Second Respondent to comply with the aforesaid undertaking, it is made clear that if the Petitioners still have any grievance to be redressed in the matter, they are not precluded from working out their rights before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

08.11.2023

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NCS : Yes/No

Index: Yes/No

Note: Issue order copy by 20.11.2023.

To

1. The Deputy Registrar,
Tamil Nadu Co-operative Housing Scheme Office,
No. 17, Varathanar Street,
Chengalpattu District,
Chengalpattu – 603001.

2. The President,



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P.D. AUDIKESAVALU, J.

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