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W.P.No.23912 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.23912 of 2023

K.Jegathambal

...Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Tirupur District.

2.The Deputy Registrar of Co-operative Societies,
487, Chinna Kadai Veethi,
Dharapuram,
Tirupur District.

3.The Secretary,
K-1499 Thumbalapatti Primary Agricultural Co-operative
Credit Society,
Udumalpet Taluk,
Tirupur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 30.05.2023 and dispose of the same in accordance with law and on merits expeditiously within a time frame as stipulated by this Court.



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For Petitioner : Mr.G.C.Nelson Britto
For Respondents 1 & 2 : Mr.R.U.Dinesh Rajkumar
Additional Government
For Respondent 3 : Mr.R.Vigneswaran
Standing Counsel

ORDER

The petitioner herein seeks a direction to the respondents to consider the representation of the petitioner dated 30.05.2023 and dispose of the same in accordance with law within the time stipulated by this Court.

2.According to the petitioner, she is owning agricultural lands and she is member of 3rd respondent Co-operative Society. The petitioner applied for agricultural loan from the 3rd respondent Society and as a security for proper repayment of the loan amount, she executed a Memorandum of Deposit of Title Deeds on 15.11.2002 in respect of the agricultural lands owned by her. It is the case of the petitioner that though the petitioner deposited her title deeds in favour of the 3rd respondent Society and executed a document to that effect, she was not paid any loan amount. When the petitioner enquired about the same, it came to her knowledge that the then Secretary of the Society created



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bogus documents and misappropriated the loan amount which was sanctioned to the petitioner. In these circumstances, the petitioner submitted a representation dated 30.05.2023 to the 2nd respondent, requesting him to cancel the Memorandum of Deposit of Title Deeds executed by the petitioner and return the documents. The said request has not been considered till date. Therefore, the petitioner has come before this Court.

3.Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader appearing for the respondents 1 & 2 by relying on the counter affidavit filed by the 2nd respondent submitted that though the amount paid to the petitioner by way of loan was repaid by the Amaravathi Sugar Mills Limited to the 3rd respondent, the amount repaid to the 3rd respondent was not properly accounted and credited in favour of the 3rd respondent Society by its then Secretary namely Ms.Kannammal. After enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983, surcharge proceeding was also initiated against the said Secretary for recovery of Rs.4,50,456/-. In the counter affidavit of the 2nd respondent, the allegation of misappropriation made by the petitioner against then Secretary of Society is admitted. However, the respondents



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expressed some difficulty in cancelling the Memorandum of Deposit of Title Deeds, as the amount has not been credited into the account of 3rd respondent Society.

4.In view of the definite stand taken by the 2nd respondent that the amount repaid by the Amaravathi Sugar Mills Limited to the 3rd respondent is not properly credited into the account of the 3rd respondent Society, this Court without expressing any opinion on the merits of the claim made by the petitioner, is inclined to direct the 2nd respondent to consider the request made by her in the representation dated 30.05.2023 on merits and in accordance with law and pass final orders within a period of eight weeks from the date of receipt of copy of this order.

5.With the above direction, the writ petition stands disposed of. No costs.

25.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.
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