



W.P.(MD)No.9703 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.(MD)No.9703 of 2021**

N.Jeyaraman

... Petitioner

Vs

1.The Deputy Registrar,  
O/o. Joint Registrar of Co-Operative Societies Office,  
Palanganatham,  
Madurai 625 003.

2.The Sub Registrar,  
O/o. Sub Registrar of Co-Operative Societies Office,  
Palanganatham,  
Madurai 625 003.

3.The Administrative Officer,  
A-3101 Madurai Milk Project Employees  
C0-Operative Trift and Credit Society Limited,  
Sathamangalam,  
Sivagangai Road,  
Madurai 625 020.

..Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to consider the Notification dated 20.02.2021 in Serial Nos.27, 28, 29 and 30 to the petitioner and his wife based on the representation dated 27.02.2021 and 28.02.2021.



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For Petitioner : Mr.M.N.Rajapanth

For R-1 & R-2 : Ms.D.Farjan Ghoushia,  
Special Government Pleader

For R-3 : Mr.R.Karunanidhi

### **ORDER**

This Writ Petition has been filed for the issue of writ of mandamus directing the third respondent to consider the representation made by the petitioner on 27.02.2021, wherein, the petitioner has sought for the payment of the Fixed Deposit amount as per the notification of the third respondent dated 20.02.2021.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that three fixed Deposits were taken in the name of the petitioner and one Fixed Deposit was taken in the name of the wife of the petitioner before the third respondent. The total amount that is covered under the four Fixed Deposits is to the tune of Rs.4,00,000/- (Rupees Four Lakhs only). The grievance of the petitioner is that ever after the maturity period, the Fixed Deposit amount was not



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repaid back. The further case of the petitioner is that the original Fixed Deposit receipts were given to the then Secretary of the third respondent. Hence, the petitioner do not have the Fixed Deposit receipts. Later, it came to light that the president and Secretary of the third respondent had committed huge misappropriation of funds belonging to the Society. Hence, a Notification was issued by the third respondent on 20.02.2021, wherein, 35% of the amount was refunded to those persons, who had deposited under Fixed Deposits. The petitioner was also willing to give an Indemnity Bond and was claiming for 35% of the amount. This was not accepted and hence, the present Writ Petition has been filed before this Court.

4. The only issue that is involved in this case is that the petitioner is not in possession of even a copy of the Fixed Deposit Receipts and as a result, the third respondent is not able to refund any amount to the petitioner as per the Notification dated 20.02.2021.

5. In the considered view of this Court, taking into consideration the facts and circumstance of the case and the conduct of the



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Secretary and the President of the third respondent Society, the petitioner should not be put to hardship. If there is no dispute with regard to the identity of the petitioner, the petitioner can also be paid the amount, since the name of the petitioner is found in the list that has been prepared by the third respondent Society.

6. In view of the above, there shall be a direction to the third respondent to collect an Indemnity Bond from the petitioner and to make the payment to the petitioner in line with the Notification dated 20.02.2021. The petitioner shall provide with all the necessary documents in order to enable the third respondent to ascertain the identity of the petitioner and his wife. This process shall be completed by the third respondent within a period of six (6) weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of in the above terms. No costs

**10.11.2023**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
tsg



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To

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2.The Sub Registrar,  
O/o. Sub Registrar of Co-Operative Societies Office,  
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**N.ANAND VENKATESH, J.**

tsg

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