



W.P.(MD) No.12519 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.12519 of 2020
and
W.M.P(MD) No,10687 of 2020

G.Karunanidhi

Vs.

... Petitioner

1.The Deputy Registrar of Co-operative Societies,
Madurai Circle,
156/2, Thirupparankundram Road,
Palanganatham Roundana,
Madurai-625003.

2.The Joint Registrar of Co-operative Societies,
Madurai Region,
156/2, Thirupparankundram Road,
2nd Floor, Palanganatham Roundana,
Madurai-625003.

3.A.3101 Madurai Milk Project Employees
Co-operative Thrift and Credit Society Limited,
Rep by its Co-operative Sub Registrar/
Field Officer (Officer in Charge),
Sivagangai Road,
Sathamangalam, Madurai District.

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to direct the third respondent to disburse the payments for the petitioner's Fixed Deposit Receipts issued by the third respondent bearing Nos.1227, 1325, 1587, 1588, 1589, 1591, 1948, 2190, 2191, 2192, 2193, 2194, 2195, 2226, 2227, 2228, 2229, 2230, 2231, 2232 totalling to an amount of Rs.18,60,000/- with interest @ 9% per annum from the date of maturity till the date of payment within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For R1 and R2 : Mr.T.Amjadkhan
Government Advocate

For R3 : Mr.M.S.Jeyakarthish
Standing Counsel

ORDER

This writ petition is filed for issuance of writ of mandamus to direct the respondents 1 and 2 to direct the third respondent to disburse the payments to the petitioner's fixed deposit receipts issued by the third respondent bearing Nos.1 1227, 1325, 1587, 1588, 1589, 1591, 1948, 2190, 2191, 2192, 2193, 2194, 2195, 2226, 2227, 2228, 2229, 2230,



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2231, 2232 totalling to an amount of Rs.18,60,000/- with interest at the rate of 9% per annum from the date of maturity till the date of payment within the time period stipulated by this Court.

2. It is the case of the petitioner that he has made the following deposits with the third respondent from and out of his retirement funds, which is detailed therein below:-

Sl.No	FDR No	Date	Amount	Maturity Date	Interest Paid upto
1	1227	1-Oct-18	100000	1-Oct-19	1-Oct-19
2	1325	25-Oct-18	100000	25-Oct-19	25-Oct-19
3	1587	30-Jan-19	100000	30-Jan-20	29-Oct-19
4	1588	30-Jan-19	100000	30-Jan-20	29-Oct-19
5	1589	30-Jan-19	35000	30-Jan-20	29-Oct-19
6	1591	31-Jan-19	100000	31-Jan-20	30-Oct-19
7	1948	14-May-19	50000	14-May-20	13-Nov-19
8	2190	17-May-19	100000	17-May-20	16-Nov-19
9	2191	17-May-19	100000	17-May-20	16-Nov-19
10	2192	17-May-19	100000	17-May-20	16-Nov-19
11	2193	17-May-19	100000	17-May-20	16-Nov-19
12	2194	17-May-19	100000	17-May-20	16-Nov-19
13	2195	17-May-19	100000	17-May-20	16-Nov-19
14	2226	5-Jul-19	100000	5-Jan-20	4-Nov-19
15	2227	5-Jul-19	100000	5-Jan-20	4-Nov-19



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16	2228	5-Jul-19	100000	5-Jan-20	4-Nov-19
17	2229	6-Jul-19	100000	6-Jan-20	5-Nov-19
18	2230	6-Jul-19	100000	6-Jan-20	5-Nov-19
19	2231	6-Jul-19	100000	6-Jan-20	5-Nov-19
20	2232	6-Jul-19	75000	6-Jan-20	5-Nov-19
Total			1860000		

3. Although the fixed deposit had matured, the third respondent was not settling the matured amount to the petitioner. Without settling the matured amount, the respondents were renewing the fixed deposit amount funds without complying with the petitioner's request for enhancement. Therefore, the said writ petition is filed.

4. Mr.M.S.Jeyakarthik, learned Counsel for the third respondent would submit that he has given a change of vakalat as early as in the year 2021. Since the third respondent is already aware of the proceedings and they have not chosen to represent before this Court, this matter is taken up for final disposal.

5. In fact, the records would show that on an earlier occasion i.e., on 17.12.2020, the petitioner was even ready to receive 35% of the



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undisputed amount and the matter was listed for compliance. However, the said order has neither been complied with nor payments have been made.

6. Considering the fact that the petitioner deposits had matured long back and the renewals are being made unilaterally by the respondent, this Writ Petition is allowed and mandamus is issued to the third respondent to repay the amount due under the fixed deposit within a period of four weeks from the date of receipt of a copy of this order or its production by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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P.T.ASHA, J.

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To

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