



W.P.(MD)No.15700 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15700 of 2021

Anjammal

... Petitioner

vs.

1.The Deputy Registrar of Cooperative Societies,
Office of the Deputy Registrar of Cooperative Societies,
Kajamalai, Trichy - 20.

2.R-514, Thuvarankurichi Primary Agriculture
Co-Operative Credit Society,
Rep. by its Secretary,
Thuvarankurichi, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to return the deposit amount in the saving Account No.2514 in the name of Shanmugam son of Karuppan, a sum of Rs.2,60,840/- as on 27.07.2013 in Account No.2448 of Anjammal wife of Shanmugam, a sum of Rs.91,665/- as on 31.03.2019 in Account No.2733 of Pandiselvi daughter of Shanmugam and the account of Velumani son of Shanmugam, with interest at the rate of 24 % per annum from the date of deposit to till the date of payment on the basis of petitioner's representation dated 10.07.2021.



W.P.(MD)No.15700 of 2021

For Petitioner :Mr.T.Vadivelan
For R1 :Mr.B.Saravanan
Additional Government Pleader
For R2 :Mr.P.Subbaraj

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to return back the deposit amount, that is available in the Saving Bank account Nos.2514, 2448 and 2733 with interest from the date of deposit till the date of payment based on the representation dated 10.07.2021.

2.The case of the petitioner is that savings bank accounts were opened in the second respondent Bank by the petitioner, her husband, her son and her daughter and they have deposited the money from the year 2007 onwards. In the year 2015, the husband of the petitioner died and even thereafter, the bank account was managed and it was operated.

3.The grievance of the petitioner is that in savings bank account No.2514, which stood in the name of the husband of the petitioner, a sum of Rs.2,60,840/- is available as on 27.07.2013. Likewise, for the savings



W.P.(MD)No.15700 of 2021

bank account of the petitioner in account No.2448, a sum of Rs.91,665/- is available as on 31.03.2011. That apart, in the savings bank account of the son in account No.2427 and the saving bank account of the daughter in account No.2733, amount is available and inspite of the same, these amounts were not paid. Aggrieved by the same, the present Writ Petition has been filed for a direction to the second respondent to pay the amounts lying in the savings bank accounts with interest.

4.The second respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

“3.I humbly submit that petitioner's husband K. Shanmugam was an account holder in the second respondent co-operative bank and his account number was 2514. On 28.06.2012, amount of Rs.2,90,000/- was withdrawn by him and it was entered in the 2nd respondent records. However there was no entry in the pass book. But the audit conducted in the 2nd respondent in 2012-2013 co-operative bank confirmed the same. The said Shanmugam died on 11.11.2015. According to pass book entry as on 19.03.2014, the balance amount was Rs.1,03,670/-. But as per the 2nd respondent records, the available balance amount is Rs.19,793/-.

4.I humbly submit that the 2nd respondent is ready to give the said balance amount along with interest to the legal heirs of the decease Shanmugam on production of appropriate legal heir certificate and other necessary certificates. The proof for the withdrawal of amount of Rs.2,90,000/- id not available at present with the 2nd respondent. But before 5 years and therefore the records are not available.

5.I humbly submit that the petitioner account number is



WEB COPY



W.P.(MD)No.15700 of 2021

2448 and as per pass book entry dated 27.12.2013, the balance amount was Rs.2,60,840/- But an amount of Rs.2,00,000/- was withdrawn on 29.08.2013 and the audit report for the year 2013-2014 confirmed the same. Five years have elapsed since the audit and therefore the records are not available. As per the 2nd respondent cooperative bank records, an amount of Rs.65,870/- is available as balance amount in the petitioner's account and the 2nd respondent is ready to return the said amount along with appropriate interest.

6.I humbly submit that the petitioner's daughter Pandiselvi is having account with the 2nd respondent and made various money transactions. As per pass book entry on 31.03.2019, the available balance amount is Rs.89,531/-. However as per 2nd respondent records on 31.03.2018, the available balance amount is Rs.61,061/- The audit for the year 2017-2018 already finished which confirms the withdrawal. The 2nd respondent is ready to return the balance amount of Rs.61,061 along with interest.

7.I humbly submit that the petitioner's son S.Velumani is having account with the 2nd respondent and his account number is 2427. He made various transaction in his account and stated that his passbook was missing. As per the 2nd respondent records on 31.03.2018, the balance amount available in his account is Rs. 4,255/-. the 2nd respondent is ready to return the said amount along with interest.”

5.Heard Mr.T.Vadivelan, learned Counsel appearing on behalf of the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing on behalf of the first respondent and Mr.P.Subbaraj, learned Counsel appearing on behalf of the second respondent.



W.P.(MD)No.15700 of 2021

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.The second respondent has now come up with a stand that insofar as the savings bank account of the petitioner's husband, only a sum of Rs.19,793/- is available and the same will be paid with interest. Likewise, a sum of Rs.65,870/- is available in the savings bank account of the petitioner and that the same will be paid with interest. In the savings bank account of the daughter, only a sum of Rs.61,061/- is available and that the same will be paid with the interest. Likewise, in the savings bank account of the petitioner's son, a sum of Rs.4,255/- is available and the second respondent is ready to return back the amount along with interest.

8.The learned Counsel for the petitioner submitted that the amount that is mentioned in the counter affidavit filed by the second respondent goes against the records that are available and that the petitioner is entitled for the amounts, as claimed in the Writ Petition along with interest.



W.P.(MD)No.15700 of 2021

WEB COPY

9. In the considered view of this Court, a factual dispute is involved in this Writ Petition. This pertains to the amount, that was deposited in the second respondent Bank in the savings bank accounts of the petitioner, her husband and her children. If the petitioner has sufficient records to substantiate that whatever amounts claimed in this Writ Petition, is entitled to be received by the petitioner, those records will have to be produced before the second respondent. If any dispute continues thereafter, the petitioner has to necessarily go before the appropriate forum and agitate the grievance. This Court cannot enter into that dispute while exercising its Writ jurisdiction.

10. In view of the above, there shall be a direction to the second respondent to repay back the amounts, that have been admitted in the counter affidavit along with appropriate interest to the petitioner within a period of two weeks from the date of receipt of a copy of this order. If the petitioner is not satisfied with the amount, that is paid by the second respondent and is confident that she is entitled for enhanced amount, the petitioner shall make a fresh representation before the second respondent



W.P.(MD)No.15700 of 2021

along with all the relevant records and the second respondent shall deal with same and take a decision within a period of four weeks from the date of receipt of the representation from the petitioner. If, ultimately, the petitioner is not satisfied with the decision taken by the second respondent, the petitioner has to necessarily workout her remedy before the appropriate forum.

11.The Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

21.11.2023

cmr

To

The Deputy Registrar of Cooperative Societies,
O/o.The Deputy Registrar of Cooperative Societies,
Kajamalai, Trichy - 20.



WEB COPY



W.P.(MD)No.15700 of 2021

N.ANAND VENKATESH, J.

cmr

W.P.(MD)No.15700 of 2021

21.11.2023