



W.P.(MD)No.13415 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

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Mukkuperi Co-operative Urban Bank Ltd.,
No.O-1657, No.10/36, South Street,
Mukuperi-628 616,
Tuticorin District, Rep. by its General Manager,
N.Maragatha Valli

... Petitioner

Vs.

1.The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai-625 023.

2.The District Munsif,
Sattankulam-628 704,
Tuticorin District.

3.The Deputy Registrar of Co-operative Societies,
Tiruchendur-628 215, Tuticorin District.

4.N.Kalanjiam

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pass suitable orders so as to



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make the 2nd respondent for the recovery and remittance of the amounts due and payable by the 4th respondent, under the award dated 10.12.2003 passed in A.R.C.No.552/03-04, on the file of the 3rd respondent to the petitioner Bank within a time frame as may be fixed by this Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya
For R1 & R2 : Mr.G.Thalaimuthurasu
For R3 : Mr.M.Lingadurai,
Special Government Pleader
For R4 : Mr.S.M.Mohangandhi

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The learned counsel appearing for the petitioner has made a submission that the payment details have already been provided to the learned counsel for the respondents 1 and 2. However, the learned counsel for the respondents 1 and 2 raised an objection by stating that amount already paid by the borrower has not been adjusted. Therefore, the respondents are bound to produce proof to establish that the amount dues to the petitioner Bank was recovered from the borrower and paid to the Bank by the Judicial Administration. On submission of such proof, the petitioner has to re-work the dues and produce further details to the respondents, enabling them to act accordingly.



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2.In view of the fact that there is an ambiguity regarding the amounts due, the respondents shall produce proof regarding the payment. On receipt of the same, the petitioner is directed to verify the same and thereafter, set out their demand in accordance with the provisions of the Tamil Nadu Co-operative Societies Act, 1983.

3.With this direction, this Writ Petition stands disposed of. No costs.

(S.M.S., J.) & (V.L.N., J.)

12.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

The Deputy Registrar of Co-operative Societies,
Tiruchendur-628 215,
Tuticorin District.

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