



W.P.(MD)No.23583 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.23583 of 2023

M.Harikrishnan

... Petitioner

versus

1. The Managing Director,
Agricultural Co-operative Societies,
District Central Co-operative Societies,
Sivagangai District.
2. The Secretary,
MN184, Puliya Primary Agricultural
Co-operative and Credit Society,
Puliya Post,
Devakottai Taluk,
Sivagangai District.
3. Indian Overseas Bank,
Puduvayal Branch,
Karaikudi Taluk,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Mandamus, to direct the 1st



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respondent to direct the 2nd respondent to return the petitioner's rice bags by considering his representation dated 05.09.2023 within the time stipulated by this Court.

For Petitioner : Mr.J.Mathan Bharath

For R1 and R2 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

This writ petition is filed for a Mandamus, directing the 1st respondent to direct the 2nd respondent to return the petitioner's rice bags by considering his representation dated 05.09.2023 within a stipulated time.

2. The learned counsel appearing for the petitioner submits that the petitioner, by mortgaging his rice bags, has borrowed a sum of Rs.5,10,930/- as loan, on 10.10.2020. The petitioner has approached the 2nd respondent and expressed his willingness to clear the loan amount along with interest. However, he was informed that the rice



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bags pledged by him are found missing from the godown. Therefore, he submitted a representation to the respondents on 05.09.2023 and filed this writ petition for a Mandamus.

3. This Court considered the submissions made by the learned counsel appearing for the petitioner and the relief sought for in this writ petition.

4. The petitioner, who is a farmer, has pledged his rice bags as a security for the loan availed by him. Now, the petitioner has come forward to settle the loan amount together with interest.

5. In all fairness, the respondents are expected to return the rice bags to the petitioner on receipt of the loan amount. In the event the rice bags are found missing, then, it is the duty of the second respondent to take necessary action to recover the rice bags by lodging a complaint. By referring so, the second respondent is not justified in



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addressing the representation of the petitioner dated 05.09.2023.

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6. Therefore, this writ petition is disposed of with a direction to the petitioner to approach the second respondent within a period of one week from the date of receipt of a copy of this order along with the loan amount together with interest. After receipt of the loan amount, the second respondent shall ensure that the rice bags pledged by the petitioner are returned forthwith. In the event the rice bags are not traceable, then, the second respondent shall deduct the value of rice bags as on date from the loan amount. No costs.

27.09.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Managing Director,
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2. The Secretary,
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B.PUGALENDHI, J.

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