

281

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25376-2022
Date of decision: 13.02.2023

SUDAGAR RAM

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B. S. Bali, Advocate
for the petitioner.

Ms. Ishma Randhawa, Addl. A. G., Punjab.

Mr. Sherry K. Singla, Advocate
for respondent No.4.

Mr. Tarunveer Vashist, Advocate and
Mr. Brijeshwar Vashist, Advocate
for respondent No.5.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ, order or direction especially in the nature of mandamus directing respondents No.4 and 5 to immediately release the amount of FDRs lying in the saving account No.2462 of the petitioner in view of order dated 25.10.2021 (Annexure P-3) passed by respondent No.3.

In brief, the facts as culled out are that the petitioner is a member of the Jagatpur Multipurpose Cooperative Agricultural Society Ltd., which is

run under the regulatory ambit of Reserve Bank of India. The petitioner herein opened his savings account in the said Society and started to deposit his hard earned money therein. It is submitted that three FDRs for an amount of Rs.10,00,000/- each have matured out of the savings account maintained by the petitioner on 20.06.2021, 14.09.2021 and 14.09.2021 respectively. The petitioner, who required the amount requested for release of the FDR as well as the amount lying in the savings account, which was denied. As the same was denied, the petitioner approached this Court by way of filing CWP No.13663 of 2021, which was disposed of with a direction to the Deputy Registrar, Cooperative Societies, SBS Nagar to pass a speaking order in this regard.

Pursuant to the directions of the High Court, the Deputy Registrar, Cooperative Societies, SBS Nagar, after hearing the parties directed the Managing Committee of the Society to release the FDRs amount as well as the amount lying in the saving account immediately, however, the said order was not complied with, which has necessitated the filing of the present writ petition.

Learned counsel for the petitioner would contend that it is the own money of the petitioner which he seeks to withdraw, however, despite orders of the Deputy Registrar, Cooperative Societies, SBS Nagar, the same has not been released.

Today, appearance has been caused on behalf of respondent No.4 and two demand drafts dated 07.02.2023 and 27.01.2023 have been produced in Court. The total amount that is being paid by way of two demand drafts is Rs.12,24,227/-.

Learned counsel for the petitioner on receipt of said demand drafts **under protest** would argue that this is not the entire amount. In fact three

FDRs had been opened and there was an amount lying in the savings account and the entire sum ought to be released along with interest.

Learned counsel for respondent No.4 would submit that the amount so being released is as per the ledger account that is maintained by the said Society.

I have heard learned counsel for the parties and in view of the fact that an amount of Rs.12,24,227/- has been paid to the petitioner by way of demand drafts in Court today, I deem it appropriate to dispose of the instant petition, leaving it open to the petitioner to approach the Society again to reconcile the accounts as it is not for this Court to go into the disputed questions of fact whether or not the ledger account maintained by the Society is proper or not.

The writ petition is accordingly disposed of with an observation that in case the petitioner approaches the Society for reconciliation of the accounts, the said reconciliation will take place within a period of one month from the date of receipt of any such request being made coupled with a certified copy of this order.

Needless to say, in case any grievance still survives, the petitioner is at liberty to avail all remedies in accordance with law.

13.02.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No