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W.P.No.7340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7340 of 2023

M.S.Ramesh

...

Petitioner

Vs.

1.Thiruvalluvar Transport Corporation

Employees Co-operative Credit Society Ltd.,

Rep. by its Secretary,

No.10, 23rd Street, Jai Nagar,

Arumbakkam,

Chennai - 600 106.

2.The Commissioner of Police,

Greater Chennai Police,

Vepery, Chennai - 600 007.

3.The Inspector of Police (Crime),

K-11 Koyambedu Police Station,

Chennai - 600 107.

...

Respondents

[R-2 and R-3 impleaded *vide* order dated 19.09.2023 made in W.M.P.No.27036 of 2023 in W.P.No.7340 of 2023]

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus, directing the respondent herein to settle a sum of Rs.25,00,000/- [Rupees Twenty Five Lakhs only] with 11.75% interest deposited *vide* receipt No.5188 dated 05.10.2016 to the petitioner herein.



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For Petitioner : Mr.D.Soundar Raj
For Respondent No.1 : Mr.L.S.M.Hasan Fizal
Standing Counsel
For Respondent Nos.2 & 3 : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed for direction to the first respondent to settle a sum of Rs.25,00,000/- [Rupees Twenty Five Lakhs only] with interest @ 11.75% per annum as per the fixed deposit Receipt No.5188 dated 05.10.2016.

2. The case of the petitioner is that the petitioner had deposited a sum of Rs.25,00,000/- to the first respondent society as a fixed deposit and he was issued fixed deposit receipt bearing No.5188 dated 05.10.2016 for a sum of Rs.25,00,000/-. The first respondent also assured that he will return the fixed deposit along with interest @ 11.75% per annum on its maturity. After maturity of the fixed deposit, the petitioner approached the first respondent to refund the fixed deposit amount with interest. However, it was not considered and as such, approached this Court.



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3. The first respondent specifically denied the receipt of Rs.25,00,000/- as fixed deposit and also denied the fixed deposit receipt No.5188 dated 05.10.2016. The petitioner has produced fake fixed deposit receipt and claimed a sum of Rs.25,00,000/- with interest. The petitioner is not even a member of the first respondent society. The communication from the first respondent produced by the petitioner dated 03.11.2016 is also a fake one.

4. On 03.11.2016, there was no Board of Directors as V.Subramanian, S.Sangarasubbu and M.Saleem. This Court impleaded the respondents 2 and 3 and ordered for an investigation. Though the third respondent called the petitioner for investigation, the petitioner did not appear before the third respondent and refused to produce the original fixed deposit receipt. However, the petitioner produced the original fixed deposit receipt before this Court and the same was produced before the third respondent for investigation.



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5. On investigation, the third respondent found that the fixed deposit receipt produced by the petitioner is a fake one. The petitioner is not a member of the first respondent society. Further, the fixed deposit receipt No.5188 was originally issued by the first respondent to its member, namely M.Pandiarajan for a sum of Rs.76,613/- for the interest @ 11.75% per annum. After maturity of the said fixed deposit, the said M.Pandiarajan collected the maturity amount of Rs.86,948/-.

6. Further, the membership number of the said M.Pandiarajan was shown as “B” 40267. The membership number as mentioned in the fixed deposit receipt produced by the petitioner as “B” 47292 is also a fake one. Even till today, total members of the first respondent society have not crossed 46,000. Therefore, the third respondent found the fixed deposit receipt produced by the petitioner as counterfeit. The name found in the fixed deposit receipt, membership number and fixed deposit receipt number are totally fake ones and they do not tally with the records of the first respondent. Therefore, the claim of the petitioner is completely fake one and produced a fake fixed deposit receipt.



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7. Therefore, the writ petition itself is devoid of merits and accordingly, it is dismissed. The third respondent is directed to register the F.I.R. as against the petitioner and proceed in accordance with law. There shall be no order as to costs.

03.10.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

- 1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.
- 2.The Inspector of Police (Crime),
K-11 Koyambedu Police Station,
Chennai - 600 107.



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