



W.P(MD)No.458 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.458 of 2018

N.Thangam

... Petitioner

Vs

1.The Joint Registrar,
Co-Operative Societies,
Kajamalai,
Trichy.

2.R963 Tholaiyanatham Primary Agricultural Co-Operative
Credit Society,
Rep. by its Secretary,
Tholaiyanatham Post,
Musiri Taluk,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to refund the deposit amount of the petitioner and her mother with the interest.

For Petitioner	: Mr.S.Muthukrishnan
For R1	: Mrs.D.Farjana Ghoushia Special Government Pleader
For R2	: Mr.M.Sridharan



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ORDER

The petitioner, who has deposited a sum of Rs.1,84,450/- in the respondent Primary Agricultural Co-operative Bank has filed this writ petition for a Mandamus, directing the respondents to refund the deposit amount together with interest.

2.The learned counsel appearing for the respondent bank submits that records in the Bank were not properly maintained. The Secretary of the Society along with the officials have committed mischief and therefore an enquiry was contemplated as against the Secretary. More over, a criminal case is also registered as against the erring officials. In the absence of any documents, they are not in a position to return the amount as claimed by the petitioner. The amount claimed by the petitioner has already been settled to the petitioner on 25.01.2018 and 20.07.2018. With regard to the interest portion, the learned counsel for the respondent submits that there are several claims like petitioner. The amount settled to the petitioner



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itself has been paid after getting orders from the Government. For all other depositors also, the amounts have been settled in a similar manner without any interest. If the interest amount is paid to the petitioner, all other depositors also would claim for interest. In earlier occasions, this Court has also accepted the same and has closed the contempt petitions arising out of this issue.

3.This Court considered the rival submissions made and also perused the materials placed on record.

4.The petitioner has deposited a sum of Rs.1,84,450/- in a Fixed deposit in the respondent Bank. The respondent Bank is liable to refund the amount together with interest as as per the terms and conditions. However, the respondent Bank has failed to refund the interest portion, for which, they are claiming that on the mismanagement of the Secretary of the Society and in the absence of documents, they are not in a position to refund the interest amount. Like petitioner, there are several other depositors. This writ petition



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is pending from the year 2018. Since it is reported that due to mis-management and in the absence of the relevant records, the respondents are not in a position to settle the interest amount to their members including the petitioner, this writ petition is closed with a liberty to the petitioner to file a separate suit along with other depositors for the interest amount. No costs.

27.02.2024

Index:Yes
Internet:Yes
vrn



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B.PUGALENDHI, J.

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