



W.P.(MD)No.17879 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17879 of 2015
and M.P.(MD)No.1 of 2015

M.Subbaiah

... Petitioner

versus

1. The Deputy Registrar,
Co-operative Housing Society,
Tuticorin.
2. The President,
Tuticorin Melur Co-operative Housing Society,
(0.309), 198A, Puthugramam,
Tuticorin – 628 003.
3. The Secretary,
Tuticorin Melur Co-operative Housing Society,
(0.309), 198A, Puthugramam,
Tuticorin – 628 003.
4. Jeyasankar
5. The Tahsildar,
Tuticorin.
(R5 is *suo motu* impleaded
vide order dated 29.01.2024)

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the A.No.1929, Loan No.2/2008/2009 on the file of the 2nd respondent Bank and quash the same and consequently, forbearing the respondent Bank from demanding any amount towards alleged loan availed in the name of the petitioner by the 4th respondent in respect of the claim made by the respondent bank and to initiate recovery proceedings against the 4th respondent.

For Petitioner : Mr.S.Siva Thilakar

For R1, R3 and R5: Mr.A.Baskaran,
Additional Government Pleader

For R2 : No appearance

ORDER

This writ petition has been filed challenging the notice issued by the respondent Housing Society calling upon the petitioner to pay a sum of Rs.10,76,586/- towards loan.

2. The learned counsel appearing for the petitioner submits that the 4th respondent has taken the petitioner to the Bank and received the



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loan amount. In this regard, the petitioner has lodged a complaint as against the 4th respondent as well as the Secretary of the Society before the concerned Police Station.

3. The learned Additional Government Pleader appearing for the official respondents has denied the averments made by the petitioner and has also furnished the details of the cheques issued in favour of the petitioner as under:

Sl.No.	Date	Cheque No.	Amount
1.	28.04.2008	104298	Rs.1,80,000/-
2.	16.08.2008	111012	Rs.1,35,000/-
3.	10.12.2008	111042	Rs.1,35,000/-
	Total		Rs.4,50,000/-

4. It appears that the Secretary of the Society has swindled the amount, for which, the Department has lodged a complaint as against 53 persons in the year 2011 and the same was registered as Crime No.4 of 2011 and final report has been filed before the concerned Court. In the said case, the trial Court, after completion of the trial, acquitted



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some of the accused. Against the order of acquittal, the Department has also preferred an appeal and the same is pending before the learned Principal District Judge, Thoothukudi.

5. Considering the fact that the loan amount has been disbursed to the petitioner through three cheques as stated above, this Court is not inclined to entertain this writ petition.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2024

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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