



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.12.2023

Pronounced on : 04.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.26519 of 2023

S.Rajarethinam

... Petitioner

Vs.

- 1.The Registrar of Cooperative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai – 600 010.
- 2.The Joint Registrar of Cooperative Societies,
Thoothukudi Region,
No.39-B, T.R.Naidu Street, 1st Floor,
Thoothukudi District.
- 3.The Managing Director /
Joint Registrar of Co-operative Societies,
District Central Co-operative Bank,
Thoothukudi District.
- 4.The Deputy Registrar of Cooperative Societies,
Veerapandiyapattinam,
Thiruchendur,
Thoothukudi District.



5.The Administrator,
TC-26, Kurumbur Primary Agriculture,
Co-operative Credit Society,
Kurumbur, Eral Taluk,
Thoothukudi District.

6.The Secretary,
TC-26, Kurumbur Primary Agriculture,
Co-operative Credit Society,
Kurumbur, Eral Taluk,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to disburse the petitioners deposited Rs.17 Crores of amount along with interest at the rate of 7.5 % within a stipulated time of period fixed by this Court.

For Petitioners : Mr.K.Gokul

For Respondents : Mr.K.Balasubramani,
Special Government Pleader for R1, R2 & R4

Mr.D.Shanmugaraja Sethupathy
for R3, R5 & R6

ORDER

Heard both sides.

2.The petitioner's case is that he and his family members formed a Trust for charitable purposes and that a sum of Rs.17.00 crores was deposited in the sixth respondent society and that it is not being returned.



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3.The sixth respondent has filed counter affidavit controverting the claim. The sixth respondent has made very serious allegations against the petitioner. It is stated that Crime No.2 of 2021 has been registered against the President, Secretary and Assistant Secretary of the society. It is also stated that enquiry under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 was conducted and that surcharge proceedings have been initiated. The sixth respondent is contesting the deposit receipts enclosed by the petitioner in the typed set of papers.

4.Since there are serious disputed questions of fact, it would not be open to the writ court to go into the issue. The petitioner is given liberty to avail whatever alternative remedy is available under law. I make it clear that I have not gone into the merits of the matter. With this liberty to the petitioner to avail the alternative remedy, this writ petition is disposed of. No costs.

05.01.2024

Index : Yes / No
Internet : Yes / No
Skm



To

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G.R.SWAMINATHAN, J.

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