



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.6665 of 2019
and WMP.No.7490 of 2019

G.Badhrugiri

... Petitioner

vs

1.The District Collector
Collector Office
Salem – 1.

2.The Deputy Superintendent of Police
Vigilance and Anti Corruption
Salem.

3.The Deputy Registrar of Co-operative Societies
Omalur Taluk, Salem District.

4.The Secretary, S.777
Nangavalli Primary Agricultural Co-op Credit Society Ltd
Nangavalli Post, Mettur Taluk,
Salem District – 636 454.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of mandamus to direct the 4th respondent to foreclose the fixed deposits bearing numbers 0002312, 0002313 and pay the entire balance amount available in the savings account number 5715 in favour of the petitioner.



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W.P.No.6665 of 2018



For Petitioner : Mr.V.Ramamurthy

For Respondents : Mr.B.Tamilnithi, AGP for R1 & R3.
Mr.R.Krishnakumar, GA for R2.

ORDER

The case of the petitioner is that the petitioner is maintaining SB account in the 4th respondent/Cooperative Society. The 4th respondent convinced the petitioner for opening fixed deposits. On 23.02.2017, the petitioner opened two fixed deposits bearing numbers 0002312 and 0002313 for a sum of Rs.1,00,000/- each with 8.35% interest for a period of two years and the fixed deposit gets matured on 23.03.2019. The petitioner's SB Account is having sufficient balance of Rs.2,07,048/- as on 15.02.2018. The petitioner submitted a letter to the 4th respondent for premature closure of the fixed deposits, but the 4th respondent refused to foreclose and return the deposited amounts. Hence, the petitioner filed the present petition.

2. The learned counsel for the petitioner submitted that he has deposited a sum of Rs.1,00,000/- in two fixed deposits on 23.02.2017 at the interest rate of 8.35% for a period of two years, the date of maturity is on 23.02.2019. Before maturity, the petitioner submitted a letter dated



03.09.2018 to the 4th respondent/Society to preclose the fixed deposits, in turn the 4th respondent has not preclosed the fixed deposits nor refunded the amount to the petitioner's account. The learned counsel would further submit that the respondents has not returned a sum of Rs.2,07,048/-, the amount which is lying in the SB account of the petitioner.

3. Per contra, the 4th respondent filed written statement stating that the amount yet to be returned to the petitioner is only a sum of Rs.2,07,048/- and requested time to settle the same to the petitioner.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

5. On perusal of records, it can be seen that the respondents have not returned any amount to the petitioner during the pendency of this writ petition. This Court by an order dated 09.12.2024 directed the respondents to settle the amounts lying in the fixed deposits and in the SB account. Pursuant to the directions of this Court, the 4th respondent on 30.12.2024 settled an amount of Rs.2,16,200/- towards the fixed deposit amounts along



with interest. The aforesaid statement was recorded by this Court on 07.01.2025 and directed to pay the balance amounts to the petitioner.

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6. This Court directs the 4th respondent to settle the admitted amount of Rs.2,07,048/- lying in the SB account of the petitioner along with interest at 6%p.a. till the date of settlement, within a period of three months from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

8. For reporting compliance, post on 20.06.2025.

20.02.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The District Collector

Collector Office, Salem – 1.

2.The Deputy Superintendent of Police

Vigilance and Anti Corruption, Salem.

3.The Deputy Registrar of Co-operative Societies

Omalur Taluk, Salem District.

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4.The Secretary, S.777

Nangavalli Primary Agricultural Co-op Credit Society Ltd

Nangavalli Post, Mettur Taluk,

Salem District – 636 454.

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J. SATHYA NARAYANA PRASAD, J.

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