



W.P.(MD) No.9967 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.9967 of 2023

and

W.M.P.(MD) No.20701 of 2023

Isaac

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Nagercoil, Kanyakumari District.

2.The Thalakulam - Eraniel Farmers Services
Co-operative Society Ltd.,
No.2650, Rep. by its Special Officer / Secretary,
Monday Market, Neyyoor Post - 629 802,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to disburse the amount deposited under the Reinvestment Scheme Deposit in the second respondent by bearing R.I.S.D.No.733 matured on 31.05.2014 as Rs.8,05,589/- along with interest at the rate of 18 percent from 31.05.2014 till the date of realization of the amount to the petitioner.

For Petitioner : Mr.S.Sivakumar



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For R1 : Mr.S.Shaji Bino
Special Government Pleader

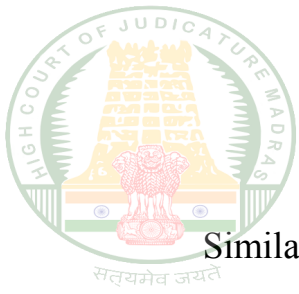
For R2 : Mr. V.H.S.Prathap

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to disburse to the petitioner the amount deposited under the Reinvestment Scheme Deposit with the second respondent, bearing R.I.S.D.No.733, which matured on 31.05.2014 for a sum of Rs.8,05,589/-, together with interest at the rate of 18% per annum from 31.05.2014 till the date of realisation.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The petitioner herein, while working as a Clerk in the second respondent Society, was subjected to disciplinary proceedings as well as surcharge proceedings under Sections 81 and 87 of the Tamil Nadu Co-operative Societies Act, 1983. All the surcharge proceedings initiated against the petitioner have ended and the same have now attained finality.



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Similarly, the disciplinary proceedings initiated against the petitioner ended in the passing of an order of dismissal, which has also attained finality. The order of dismissal was passed as early as in the year 1994 and the actual date of superannuation of the petitioner was 31.05.2014. While so, the petitioner has approached this Court in the year 2023 straightaway seeking the relief as stated above.

4. Thus, it is evident that the petitioner, who was dismissed from service in the year 1994, would have attained the age of superannuation on 31.05.2014, if he had continued in service. The petitioner has made a claim for payment of a sum of Rs.8,05,589/-, claiming it as the maturity amount, after a lapse of nearly a decade. On this ground alone, this Writ Petition is liable to be dismissed.

5. Be that as it may, the second respondent has also filed a detailed counter affidavit stating that the amount due and payable to the petitioner under the Reinvestment Scheme Deposit bearing R.I.S.D.No.733 on maturity was only Rs.44,430/- as on 08.04.1994 and that the said amount was forfeited under Section 48 of the Tamil Nadu Co-operative Societies Act, 1983 under various surcharge orders passed against the petitioner in



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connection with E.P.Nos.99/92-93, 77/93-94, 78/93-94 and 33/94-95. The

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relevant paragraphs from the counter affidavit is extracted under:

“7. It is humbly submitted that the averments stated in para 3 of the affidavit are denied as false. The 2nd respondent never stated that Rs.8,05,589/ would be paid to the petitioner. In fact, Rs.19,30,880/- is due under surcharge. The society employees were not included in employees provident fund organization until 31.03.1992. only from 01.04.1992 employees provident fund account was opened. This petitioner was dismissed from 13.01.1993. For this period alone he is entitled to get provident fund amount from the Employees provident fund organization not from the society. On 16.05.1992, Rs.34900/ was in the petitioner Reinvestment Deposit account No.733. And said amount was matured at Rs 44,430/- on 08.04.1994. On 08.04.1994 Rs.40,382/- was forfeiture on under section 48 of Tamil Nadu co-operative Societies Act 1983 to satisfy a part of the decree amount and the remaining amount of Rs.4048/ was fur featured on 26.4.1994 under the same provision to satisfy the part of the decree in E.?. No. 99/92-93,77/93-94,78/93-94 and 33/94-95.”

6. As against the said averment, no rejoinder affidavit has been filed by the petitioner. As against the claim made by the petitioner for disbursement of a sum of Rs.8,05,589/-, the amount due under the account, according to the second respondent, is only Rs.44,430/-. The said amount is also stated to have been adjusted towards the dues payable by



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the petitioner to the Society under various surcharge orders passed under

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Section 87 of the Tamil Nadu Co-operative Societies Act, 1983. In the light of the above, there is a serious dispute with regard to the amount claimed by the petitioner. Such disputed questions of fact cannot be gone into in the present Writ Petition filed under Article 226 of the Constitution of India.

7. In the light of the above, this Court is not inclined to entertain this Writ Petition for a money claim, that too after a delay of about a decade. Accordingly, this Writ Petition is dismissed. However, it is made clear that if the petitioner intends to avail any other remedy available under law, this order will not come in the way of the petitioner in availing such remedy. No costs. Consequently, the connected Miscellaneous Petition is closed.

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NCC : Yes / No

Index : Yes / No

To

The Joint Registrar of Cooperative Societies,
Nagercoil,
Kanyakumari District.



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MUMMINENI SUDHEER KUMAR, J.

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