

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 31ST DAY OF MAY 2021/10TH JYAISHTA, 1943

WP(C) NO. 10716 OF 2021

PETITIONERS:

- 1 K.RAJAGOPALAN NAIR, AGED 65 YEARS,
S/O.NARAYANAN NAIR, MELETHU HOUSE,
VAZHUVADI, THAZHAKARA P.O.,
MAVELIKARA VIA., ALAPPUZHA DISTRICT.
- 2 SUBHADRA RAJAGOPAL, AGED 62 YEARS,
W/O.K.RAJAGOPALAN NAIR, MELETHU HOUSE,
VAZHUVADI, THAZHAKARA P.O.,
MAVELIKARA VIA., ALAPPUZHA DISTRICT.
- 3 ARYA S., AGED 30 YEARS,
D/O.K.RAJAGOPALAN NAIR,
MELETHU HOUSE, VAZHUVADI,
THAZHAKARA P.O., MAVELIKARA VIA.,
ALAPPUZHA DISTRICT.
- 4 THANKAMANI AMMA K., AGED 60 YEARS,
W/O.SOMAN PILLAI, NELLUVELIL
KIZHAKKETHIL HOUSE, VAZHUVADI,
THAZHAKARA P.O., MAVELIKARA VIA,
ALAPPUZHA DISTRICT.
- 5 SURESHKUMAR P.G., AGED 56 YEARS,
S/O.GOPALAKRISHNA PILLAI, GOKULAM,
VAZHUVADI, THAZHAKARA P.O.,
MAVELIKARA VIA , ALAPPUZHA DISTRICT.
- 6 D.SAVITHRI AMMA, AGED 62 YEARS,
D/O.LATE DEVAYANI AMMA,
THEKKINETH HOUSE, THAZHAKARA P.O.,
MAVELIKARA - VIA, ALAPPUZHA DISTRICT.

BY ADVS.

BABU JOSEPH KURUVATHAZHA

SRI.M.G.SREEJITH

SMT.K.S.ARCHANA

RESPONDENTS:

- 1 REGISTRAR OF CO-OPERATIVE SOCIETIES,
JAWAHAR SAHAKARANA BHAVAN, DPI JUNCTION,
THYCAUD P.O., THIRUVANANTHAPURAM - 695 014.
- 2 JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
PAECHI ANGALAMMAN KOVIL TRUST BUILDINGS,
PAZHAVANGADI JUNCTION IRON BRIDGE,
ALAPPUZHA - 688 011.
- 3 ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
MINI CIVIL STATION, MAVELIKARA,
ALAPPUZHA DISTRICT, PIN - 690 101.
- 4 MAVELIKARA TALUK CO-OPERATIVE BANK
LIMITED NO.707, MAVELIKARA P.O.,
ALAPPUZHA DISTRICT, PIN - 690 101,
REPRESENTED BY ITS SECRETARY.
- 5 THAZHAKARA BRANCH OF MAVELIKARA TALUK
CO-OPERATIVE BANK LIMITED NO.707,
THAZHAKARA P.O., MAVELIKARA,
ALAPPUZHA DISTRICT, PIN - 690 102,
REPRESENTED BY ITS GENERAL MANAGER.

GOVERNMENT PLEADER SMT.PRINCY XAVIER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 31.05.2021, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

J U D G M E N T

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Dated this the 31st day of May, 2021

The petitioners seek to command respondents 1 to 3 to take appropriate action for enabling the 4th and 5th respondents to release the Fixed and Saving Deposits as detailed in Exts.P1 to P11 to the petitioners forthwith.

2. According to the petitioners, they have made the following deposits with the 4th respondent-Bank:

30/11/20	1 st petitioner deposited ₹56,403/- in his SB account.
02/07/18	1 st petitioner deposited ₹4,00,000/- as detailed in Ext.P2 with the 4 th respondent.
28/06/18	2 nd petitioner deposited ₹3,00,000/- with the 4 th respondent.
03/11/20	2 nd petitioner deposited ₹33,112/- with the 4 th respondent.
19/02/20	3 rd petitioner deposited ₹64,468/- with the 4 th respondent.
20/03/18	4 th petitioner deposited ₹2,00,000/- with the 4 th respondent.
29/09/16	4 th petitioner deposited ₹7,00,000/- with the 4 th respondent.
28/03/19	4 th petitioner deposited ₹1,50,000/- with the 4 th respondent.

04/11/20	4 th petitioner effected the Savings Bank deposit of ₹1,07,534/-.
12/01/20	5 th petitioner deposited ₹1,00,000/- with the 4 th respondent.
17/09/15	5 th petitioner deposited ₹2,00,000/- with the 4 th respondent.
03/10/16	5 th petitioner deposited ₹1,00,000/- with the 4 th respondent.
07/07/20	5 th petitioner deposited ₹1,51,096/- with the 4 th respondent, in the Savings Bank account.
26/09/14	6 th petitioner deposited ₹2,00,000/- with the 4 th respondent.
16/06/14	6 th petitioner deposited ₹1,00,000/- with the 4 th respondent.
14/09/17	6 th petitioner deposited ₹2,40,763/- with the 4 th respondent.
15/02/18	6 th petitioner deposited ₹4,04,306/- with the 4 th respondent.
10/03/20	6 th petitioner deposited ₹35,453/- with the 4 th respondent, in the Savings Bank account.

However, in spite of repeated requests, respondents 4 and 5 are not releasing those deposits to the petitioners. Though the petitioners have approached respondents 1 to 3 with Exts.P13 and P 14 representations, respondents 1 to 3 have not taken any steps to undo the injustice.

3. I have heard the learned counsel for the petitioners and the learned Government Pleader representing respondents 1 to 3.

4. In view of the nature of the reliefs being granted in this writ petition, notice to respondents 4 and 5 is dispensed with.

5. The petitioners have submitted Ext.P14 representation to the 2nd respondent-Joint Registrar of Co-operative Societies. When a complaint regarding non-payment of deposits is made, the 2nd respondent is bound to consider such complaint.

In the circumstances, the writ petition is disposed of directing the 2nd respondent to consider Ext.P14 representation, in accordance with law, within a period of eight weeks. Needless to say, if the 2nd respondent is taking any decision adverse to respondents 4 and 5, the respondents 4 and 5 should be put to notice.

Sd/-
N. NAGARESH, JUDGE

aks/31.05.2021

APPENDIX OF WP(C) 10716/2021

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE PASS BOOK BEARING A/C NO.456 ISSUED BY THE 5TH RESPONDENT TO THE 1ST PETITIONER.
EXHIBIT P2	TRUE COPY OF THE FIXED DEPOSIT RECEIPT NO.60822 DATED 2/7/2018 ISSUED BY THE 5TH RESPONDENT TO THE 1ST PETITIONER.
EXHIBIT P3	TRUE COPY OF THE FIXED DEPOSIT RECEIPT NO.60821 DATED 28/6/2018 ISSUED BY THE 5TH RESPONDENT TO THE 2ND PETITIONER.
EXHIBIT P4	TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK SB A/C NO.1554 ISSUED BY THE 5TH RESPONDENT TO THE 2ND PETITIONER.
EXHIBIT P5	TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK A/NO.1733 ISSUED BY THE 5TH RESPONDENT TO THE 3RD PETITIONER.
EXHIBIT P6	TRUE COPY OF THE DEPOSIT RECEIPT NO.53493 DATED 20/3/2018 ISSUED BY THE 4TH RESPONDENT TO THE 4TH PETITIONER.
EXHIBIT P7	TRUE COPY OF THE DEPOSIT RECEIPT NO.0049669 DATED 29/9/2016 ISSUED BY THE 4TH RESPONDENT TO THE 4TH PETITIONER.
EXHIBIT P7 (a)	TRUE COPY OF THE FIXED DEPOSIT RECEIPT NO.64534 DATED 28/3/2019 ISSUED BY THE 4TH RESPONDENT TO THE 4TH PETITIONER.
EXHIBIT P7 (b)	TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK BEARING A/C NO.SB 1433 MAINTAINED BY THE 4TH PETITIONER WITH THE 4TH RESPONDENT.
EXHIBIT P8	TRUE COPY OF THE FIXED DEPOSIT CERTIFICATE NO.018197 DATED 12/1/2012 ISSUED ON BEHALF OF THE 4TH RESPONDENT TO THE 5TH PETITIONER.
EXHIBIT P8 (a)	TRUE COPY OF THE FIXED DEPOSIT CERTIFICATE NO.0048926 DATED 17/9/2015 ISSUED ON BEHALF OF THE 4TH RESPONDENT TO THE 5TH PETITIONER.

EXHIBIT P8 (b)	TRUE COPY OF THE FIXED DEPOSIT CERTIFICATE NO.0049681 DATED 3/10/2016 ISSUED ON BEHALF OF THE 4TH RESPONDENT TO THE 5TH PETITIONER.
EXHIBIT P9	TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK A/NO.1285 ISSUED ON BEHALF OF THE 4TH RESPONDENT, HAVING THE SUM OF RS.1,51,096/- IN THE SB ACCOUNT OF THE 5TH PETITIONER.
EXHIBIT P10	TRUE COPY OF THE DEPOSIT CERTIFICATE NO.0034206 DATED 26/9/2014 ISSUED ON BEHALF OF THE 4TH RESPONDENT TO THE LAST PETITIONER.
EXHIBIT P10 (a)	TRUE COPY OF THE DEPOSIT CERTIFICATE NO.0049375 DATED 16/6/2016 ISSUED ON BEHALF OF THE 4TH RESPONDENT TO THE LAST PETITIONER.
EXHIBIT P10 (b)	TRUE COPY OF THE DEPOSIT CERTIFICATE NO.51077 DATED 14/9/2017 ISSUED ON BEHALF OF THE 4TH RESPONDENT TO THE LAST PETITIONER.
EXHIBIT P10 (c)	TRUE COPY OF THE DEPOSIT CERTIFICATE NO.51301 DATED 15/2/2018 ISSUED ON BEHALF OF THE 4TH RESPONDENT TO THE LAST PETITIONER.
EXHIBIT P11	TRUE COPY OF THE RELEVANT PAGES OF THE PASS BOOK BEARING A/C NO.1516 MINTAINED BY THE LAST PETITIONER WITH THE 4TH AND 5TH RESPONDENTS.
EXHIBIT P12	TRUE COPY OF THE REPRESENTATION DATED 18/12/2020 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
EXHIBIT P13	TRUE COPY OF THE REPRESENTATION DATED 20/1/2021 SUBMITTED BY THE PETITIONER BEFORE THE 2ND AND 3RD RESPONDENTS.
EXHIBIT P14	TRUE COPY OF THE REPRESENTATION DATED 5/3/2021 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS 1 TO 3.