

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2015

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.20384 of 2015 and M.P.Nos.1 and 2 of 2015

M.Pappa

...Petitioner

Vs.

1. The Secretary,
M/s.P.E.64, Kodumudi Block Teachers and
Public Servants Thrift and Credit Society Limited,
Kodumudi, Erode District - 638 151,
2. The Executive Officer,
Kodumudi Panchayat Union Office,
Kodumudi, Erode District,
3. Thannasi,
4. Mahalakshmi @ Chithra,
5. Karthi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of Certiorari to call for the records of the impugned order passed by the first respondent in his notice dated 24.11.2014 and quash the same.

For Petitioner : Mr.V.S.Kesavan

For Respondents : Mr.D.Venkatachalam,
1 and 2 Govt.Advocate

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 and 2.

2. This writ petition has been filed challenging the impugned notice dated 24.11.2014 issued by the 1st respondent on the ground that the petitioner is serving only as a sweeper in the 2nd

respondent's office, whereas the legal heirs of Ammasai, the principal borrower, are living in the property belong to the deceased Ammasai. Therefore, the impugned notice ought to have been issued only against the legal heirs of the deceased Ammasai, who is the principal borrower, instead of the guarantor. But this Court is unable to entertain such a contention against the law.

3. When the petitioner stood as a guarantor to the deceased principal borrower - Ammasai, either on default of the principal or on the failure on the part of the loan being repaid by the said principal - Ammasai, the 1st respondent is entitled to proceed against the guarantor. Accordingly, the impugned proceedings has been issued. Therefore, this Court finds no merit in this writ petition.

4. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
M/s.P.E.64, Kodumudi Block Teachers and
Public Servants Thrift and Credit Society Limited,
Kodumudi, Erode District - 638 151,
2. The Executive Officer,
Kodumudi Panchayat Union Office,
Kodumudi, Erode District,

1CC to Mr.V.S.Kesavan, Advocate SR 34865

KK [CO]
PSI 24.07.2015

W.P.No.20384 of 2015