



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.14737 of 2013

WEB COPY

A.Loganath Thangavel

... Petitioner

Vs.

1.The Personal Assistant to Collector,
(Small Savings),
Collectorate,
Tirunelveli.

2.The Sub-Postmaster,
Sub-Post Office,
Radhapuram Post,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent post office to issue No Objection Certificate as no due is pending as against the petitioner's agency No.6/2007-2008 and further to direct the first respondent to return the pledged National Savings Certificates bearing Nos.68CC418627 and 68CC418628, dated 18.05.2007 to the petitioner within a stipulated time so as to redeem the matured amount.

For Petitioner	: Mr.B.Jeyakumar
For R-1	: Mr.S.Kumar, Additional Government Pleader
For R-2	: No Appearance

O R D E R

The petitioner seeks for a direction to the second respondent to issue 'No objection Certificate' as no due is pending as against the petitioner's agency No.6/2007-2008 and further direction to the first respondent to return the National Savings Certificates bearing Nos.68CC418627 and 68CC418628, dated 18.05.2007.

2. Heard both sides.

3. The petitioner was appointed as Standardized Agency System Agent (SAS Agent) under Small Savings Scheme for the period from 18.05.2007 to 17.05.2010 by the first respondent through proceedings dated, 18.05.2007. He pledged two National Savings Certificates bearing Nos.68CC418627 and 68CC418628, dated 18.05.2007, as security each worth Rs.1000/- with the first respondent for appointment as SAS Agent. However, the petitioner could not canvass any person for depositing in the National Small Savings Scheme due to various personal reasons and therefore, he did not apply and receive any cash receipt book and other Forms from the second respondent post office. Thereafter, he did not renew the agency also. Consequently, the SAS agency given to the petitioner got lapsed on



18.05.2010 and thus, he is not an Agent as on date. Consequently, he wanted the National Savings Certificates given by him as security, as stated supra to be returned and for such purpose, he approached the first respondent. It appears that the first respondent sought No Objection Certificate from the second respondent stating that no due is pending as against the petitioner. When the second respondent informed the petitioner that there is no provision for issuing such No Objection Certificate, the present Writ Petition is filed with the relief as stated supra in the month of September, 2013.

4. The learned counsel appearing for the petitioner submitted that pursuant to the filing of the Writ Petition, the Sub-Postmaster, Radhapuram, has informed the petitioner through communication, dated 12.09.2013, that the petitioner was not supplied with any Authorized Agent Receipt Book from Radhapuram Sub- Post Office and he has not procured any business from the date of issuance of authority. Therefore, he contended that in view of the above said communication issued by the second respondent, there cannot be any impediment for the first respondent to return the National Savings Certificates to the petitioner. On the other hand it is stated that the second respondent is citing the pendency of the Writ Petition for not returning the National Savings Certificates.

5. Perusal of the communication issued by the Sub-Postmaster, which has been referred to in the proceedings of the first respondent, dated 12.09.2013 would make it clear that the petitioner was not supplied with any Authorized Agent Receipt Book from Radhapuram Sub- Post Office and he has not procured any business from the date of issuance of authority and he has not performed any business with the said Post Office based on the certificate of authority issued by the first respondent. Therefore, the communication of the second respondent is sufficient for the first respondent to return the National Savings Certificates given by the petitioner as security. Perusal of the communication issued by the first respondent, dated 24.02.2014 indicates that because of the pendency of the Writ Petition, the first respondent is not returning the same.

6. Accordingly, the Writ Petition is disposed of by directing the first respondent to return the National Savings Certificates bearing Nos.68CC418627 and 68CC418628, dated 18.05.2007, to the petitioner, without any further delay, however, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Personal Assistant to Collector,
(Small Savings), Collectorate, Tirunelveli.



2.The Sub-Postmaster, Sub-Post Office,
Radhapuram Post, Radhapuram Taluk,
Tirunelveli District.

+1cc to special Government Pleader SR.No.4571

+1cc to Mr.B.Jeyakumar, Advocate SR.No.4625

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