

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-12-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8738 of 2010

And

M.P.No.1 of 2011

V.Kannan .. Petitioner

-vs-

1.The Director of Municipal Administration,  
Ezhilagam,  
Chepauk,  
Chennai-600 005.

2.The Commissioner,  
Arcot Municipality,  
Arcot,  
Vellore District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to return the documents relating to the petitioner received in pursuance of Roc.No.31863/89-92 dated 13.11.1989.

For Petitioner - Mr.A.R.Nixon

For Respondent-1 - Mrs.K.Bhuyaneswari,  
Government Advocate.

For Respondent-2 - Mr.R.Thirugnanam

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to return the documents relating to the writ petitioner received in pursuance of Roc.No.31863/89-92 dated 13.11.1989.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner was holding the post of Sanitary Inspector in Arcot Municipality and retired from service on 31.7.2004, on attaining the age of superannuation.

The writ petitioner, while he was in service, borrowed a loan from the Department and accordingly, deposited the original documents in lieu of guarantee.

3. However, the learned counsel, appearing on behalf of the second respondent, says that the arrears of loan itself are not cleared by the writ petitioner and that is the reason why the respondents have not returned the documents. In paragraph 9 of the counter-affidavit filed by the second respondent, it is stated that the writ petitioner has to pay a sum of Rs.12,970/- to the respondents and on paying the same, the writ petitioner can receive the documents from the first respondent.

4. In view of the statement made by the learned counsel for the second respondent, the writ petitioner is at liberty to pay the said amount with the first respondent and on making such payment, the first respondent is liable to release the documents and return the same to the writ petitioner.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Svn  
To

1.The Director of Municipal Administration,  
Ezhilagam,  
Chepauk,  
Chennai-600 005.

2.The Commissioner,  
Arcot Municipality,  
Arcot,  
Vellore District.

+1cc to Mr.R.THIRUGNANAM Advocate, S.R.No. 87154  
+1cc to Mr.A.R.NIXON Advocate, S.R.No. 87193  
+1cc to the Government Pleader, S.R.No. 87716

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TR(20/12/2017)