

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 11.02.2019

CORAM  
THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.25924 of 2009

T.Appaswamy

..Petitioner

-vs-

1. The Chief Executive Officer  
Tamil Nadu Khadi and Village  
Industries Board,  
Kuralagam,  
Chennai 600 108.

2. The Assistant Director  
Tamil Nadu Khadi and Village  
Industries Board  
Nagercoil, Kanyakumari District

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the second respondent herein in his proceeding in Na.Ka.No.4857/A1/96 dated 05.10.2009 and the first respondent in his proceeding in Na.Ka.No.32405/Miscellaneous/6/2008 dated 05.11.2009 and quash the same and direct the respondents herein to re-schedule the payment towards House Loan Outstanding by way of monthly installments spread over a period of two years.

For Petitioner :: Mr.V.R.Rajasekaran

For Respondents :: Mr.S.K.Bose  
Standing Counsel

ORDER

Mr.T.Appaswamy, who served as Assistant Grade-I in the office of the Khadi and Village Industries Board, Nagercoil, initially faced an order of suspension pending enquiry into the charges framed against him on the allegation of non-collection of the outstanding amount in the sale of khadi cloths and subsequently dismissed from service by the order dated 17.3.2003. Thereafter, the Assistant Director, Tamil Nadu Khadi and Village Industries Board, Nagercoil, the second respondent herein made a demand for a sum of Rs.4,80,005.20p through the letter dated 5.10.2009 payable by the petitioner. Now the petitioner, as per the counter affidavit filed by the Chief Executive Officer, Tamil Nadu Khadi and Village Industries Board, is liable to pay a sum of Rs.71,409.20p. In addition to the above said amount, the petitioner is also liable to pay a

sum of Rs.6,622/- towards the Family Benefit Fund on House Building Advance availed by him. The learned counsel for the petitioner stated that since actions were taken against the petitioner to recover the outstanding under the Revenue Recovery Act, without insisting upon the payment of Rs.78,031.20p, a direction be issued to release the original sale deed and the mortgaged documents relating to the House Building Advance.

2. The learned standing counsel for the respondents submitted that it is an admitted case of the petitioner himself that a sum of Rs.78,031.20p is due and for his default only, revenue recovery proceedings were initiated. If the petitioner comes forward to clear the above said amount, the respondents have no objection to release the original sale deed and the mortgaged documents relating to the House Building Advance to him.

3. Recording the said statement, it is again made clear that if the petitioner comes forward to clear the outstanding amount of Rs.78,031.20p, the respondents, on receipt of the said amount, shall release the original sale deed and the mortgaged documents to the petitioner. With this observation, the writ petition stands disposed of. Consequently, M.P.No.1 of 2009 is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1.The Chief Executive Officer  
Tamil Nadu Khadi and Village  
Industries Board  
Kuralagam,  
Chennai 600 108

2.The Assistant Director  
Tamil Nadu Khadi and Village  
Industries Board  
Nagercoil, Kanyakumari District.

+1cc to Mr.S.K.Bose,Advocate, S.R.No.11732

+1cc to Mr.V.R.Rajasekaran,Advocate, S.R.No.11699

W.P.No.25924 of 2009

KJI (CO)

rrs 11/03/2019