

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5080 of 2019

B.S.Mahesh

... Petitioner

Vs

- 1.The Chief Educational Officer,
District Collectorate Building,
3rd Floor, B-Block, Vellore-Arcot Road, Sathuvachari,
Vellore & Taluk, Vellore District - 632 009
- 2.The District Educational Officer,
District Educational Office,
Fort Round Road, Vasanthapuram,
Kosapet, Vellore & Taluk,
Pincode - 632 001.
- 3.The Assistant Educational Officer,
AEO Office,
Gudiyattam to Vellore Road,
Gandhi Nagar, Gudiyattam & Taluk,
Vellore District - 632 602
- 4.The Manager,
Jothi Government Aided School,
Nellorepet, Gudiyattam & Taluk,
Vellore District - 632 602
5. S.V.Rajalakshmi
6. The General Manager,
Housing Development Finance Corporation Ltd,
No.760, Anna Salai, 2nd Floor, ITC Center,
Chennai-600002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 6th respondent to consider the petitioner's representation dated 08.11.2018 and direct the 6th respondent to receive the part amount of salary of the 5th respondent through the 4th respondent and to pay the monthly installment in EMI/ECS of Rs.21,965/- in Loan Account No.604656165 to the 6th respondent in which the 5th respondent has a co-borrower in the joint registered property, Apartment situated at Plot No.68, Lotus Apartments, Jayalakshimi Nagar, Second Street, Kattupakkam, Chennai - 600056.

For Petitioner : Mr.Parigopal
For Respondents: Mr.R.Govindasamy,
Special Government Pleader
for R1 to R3

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents 1 to 3.

2. This writ petition is filed seeking for a mandamus directing the 6th respondent to consider the petitioner's representation dated 08.11.2018 and consequently, to direct the 6th respondent to receive the part amount of salary of the 5th respondent through the 4th respondent and to pay the monthly installment in EMI/ECS of Rs.21,965/- in Loan Account No.604656165 to the 6th respondent in which the 5th respondent has a co-borrower in the joint registered property, Apartment situated at Plot No.68, Lotus Apartments, Jayalakshimi Nagar, Second Street, Kattupakkam, Chennai - 600056.

3. Perusal of the facts and circumstances would show that the petitioner and the fifth respondent are having a matrimonial dispute between them and that they have also jointly purchased the subject matter property by availing loan from the Bank. The grievance of the petitioner is that the fifth respondent is not paying her part of the installments.

4. Needless to say that it is for the petitioner to workout his remedy against the fifth respondent for realizing the amount in the manner known to law, by filing appropriate Civil proceedings and not by approaching the Official respondents herein, who are nothing to do with the private dispute between the petitioner and the fifth respondent.

5. Accordingly, I find no merits in this writ petition. Thus, this writ petition is dismissed, however, by granting liberty to the petitioner to workout his remedy before the competent Civil Court. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sni/mk

To

1.The Chief Educational Officer,
District Collectorate Building,
3rd Floor, B-Block, Vellore-Arcot Road,
Sathuvachari, Vellore & Taluk,
Vellore District - 632 009.

2.The District Educational Officer,
District Educational Office,
Fort Round Road, Vasanthapuram,
Kosapet, Vellore & Taluk,
Vellore - 632 001.

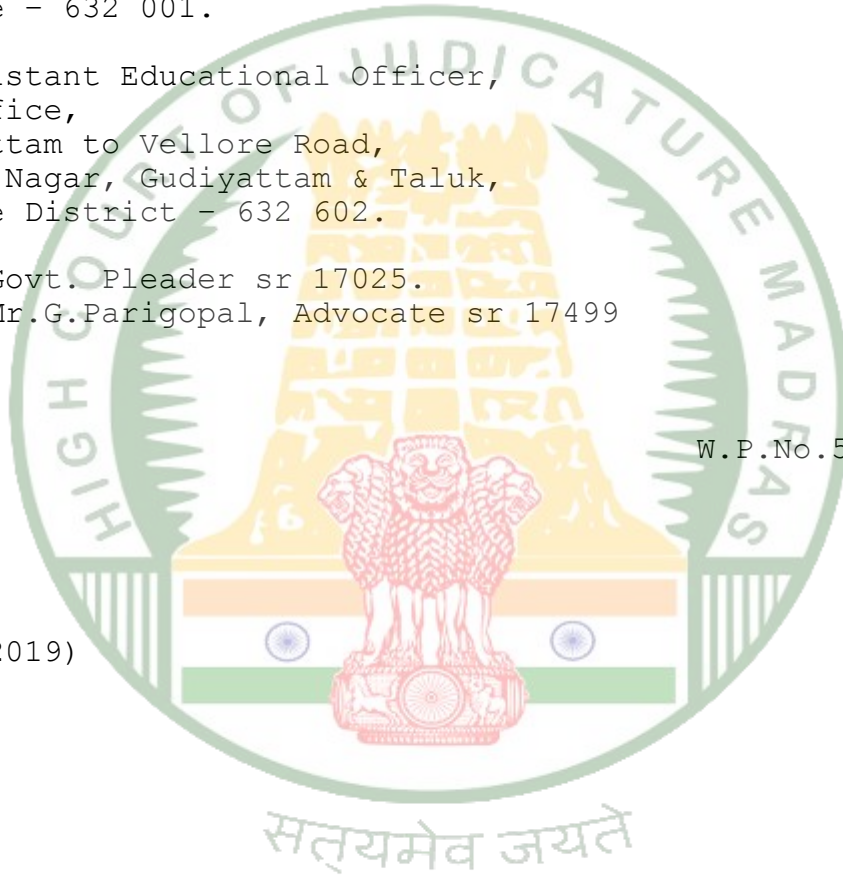
3.The Assistant Educational Officer,
AEO Office,
Gudiyattam to Vellore Road,
Gandhi Nagar, Gudiyattam & Taluk,
Vellore District - 632 602.

+1 CC to Govt. Pleader sr 17025.

+1 CC to Mr.G.Parigopal, Advocate sr 17499

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RJI (CO)
SP(20/03/2019)



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