

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.04.2021

Coram

The Honourable Mr. Justice D.KRISHNAKUMAR

W.P.No.28501 of 2018
and W.M.P.No.33244 of 2018

A.Palanivel

...Petitioner

Versus

1.M/s.Thiruvalluvar Transport Corporation
Employees Co-operative Credit Society,
Rep. by its Secretary,
No.10, 23rd Street, Jai Nagar, Arumbakkam,
Chennai - 600 106.

2.M/s.State Express Transport Corporation Ltd.,
Rep. by its Managing Director,
No.2, Pallavan Salai, Chennai - 600 002.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the first respondent and their subordinates in any way recovering not more than Rs.17,000/- towards monthly installments for the loan obtained by the petitioner from the first respondent society and consequently direct the first respondent to pay the excess amount of Rs.51,967/- recovered from the salary of the petitioner during January 2018 to September 2018 with 14% interest by considering the petitioner's representation dated 03.10.2018.

For Petitioner : Mr.D.Soundar Raj

For Respondent - 1 : Mr.G.Padmanabhan

Respondent - 2 : Mr.K.Kathiresan

O R D E R

The relief sought for in the present writ petition is to forbear the first respondent and their subordinates in any way recovering not more than Rs.17,000/- towards monthly installments for the loan obtained by the petitioner from the first respondent society and consequently direct the first respondent to pay the excess amount of Rs.51,967/- recovered

from the salary of the petitioner during January 2018 to September 2018 with 14% interest by considering the petitioner's representation dated 03.10.2018.

2. Heard the learned counsel on both sides and perused the materials available on record.

3. As far as this case is concerned, I am of the opinion that in the light of the judgement passed by this Court in the case of K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal and Another reported in 2006 (4) CTC 689, this writ petition is not maintainable and therefore, the same is liable to be dismissed.

4. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to work out his remedy by approaching the Authority concerned since the relief sought for by the petitioner herein cannot be entertained by this Court under Article 226 of the Constitution of India. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

mrr

To

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+1cc to Mr.D.Soundar Raj, Advocate SR.No.24831

+1cc to Mr.K.Kathiresan, Advocate SR.No.24240

W.P.No.28501 of 2018

SSN(CO)
GMY(28/06/2021)