



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.10071 of 2015

P.A.5, Aranthangi Panchayat Union
Employees and Teachers Cooperative
Thrift and Credit Society Limited,
represented by its Secretary,
V.Marimuthu,
Pudukottai District.

... Petitioner

vs.

1.The District Elementary Educational Officer,
District Elementary Educational Officer,
Dindigul, Dindigul District.

2.The Assistant Elementary Educational Officer,
Assistant Elementary Educational Office,
Kodaikanal Union, Kodaikanal,
Dindigul District.

3.D.Kunvar Joswa Valavan

... Respondents

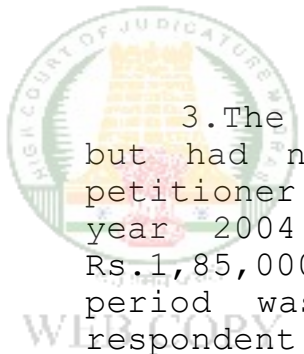
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to deduct the loan installment amount and pending balance amount from the salary of the third respondent as agreed under Rule 69 of the Tamil Nadu Cooperative Societies Rules, 1988 and to credit the same to the petitioner's Society within the time frame as fixed by this Court.

For Petitioner : Mr.C.Ganeshkumar
For R1 and R2 : Mr.S.Kameswaran
Government advocate

O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents 1 and 2 to deduct the loan installment amount and pending balance amount from the salary of the third respondent as agreed under Rule 69 of the Tamil Nadu Cooperative Societies Rules, 1988 and to credit the same to the petitioner's Society.

2.Heard Mr.C.Ganeshkumar, learned Counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for R1 and R2.



3.The third respondent herein, to whom notice had been issued, but had not appeared before this Court, was a member of the petitioner Society. He received a loan in Loan No.84/03-04, in the year 2004 for renovation of his home. The loan amount was Rs.1,85,000/-. The interest was at 13% per annum. The repayment period was 120 months. At that particular time, the third respondent was working at Aranthangi. Thereafter, he was transferred to Kodaikanal union. At that time, when he was transferred, the balance amount payable was Rs.1,36,413/-. This was as on 31.05.2015.

4.The petitioner seeks deduction of the loan amount from the salary of the third respondent. However, the second respondent, who is Salary Drawing Officer of the third respondent, had not deducted the loan amount payable every month from the salary of the third respondent. A representation had been given by the petitioner seeking such a direction and a Writ of Mandamus had also been filed.

5.If the second respondent had not deducted any re-payment loan from the salary of the third respondent, then under Section 48 of the Tamil Nadu Cooperative Societies Act, 1983, the proper procedure to be adopted by the petitioner/Secretary is to recover the loan under the provisions of the Revenue Recovery Act. The petitioner can also take recourse under Rule 69 of the Tamil Nadu Cooperative Societies Rules, 1988.

6.A mandamus can never be issued by this Court, when a specific procedure is given under the Act as well as under the Rules. Hence, liberty is given to the petitioner to proceed in accordance with the provisions of Section 48 of the Tamil Nadu Cooperative Societies Act, 1983 and Rule 69 of Tamil Nadu Cooperative Societies Rules, 1988 to proceed further to recover the loan amount from the third respondent.

7.With the said observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cmr



To

1.The District Elementary Educational Officer,
District Elementary Educational Officer,
Dindigul, Dindigul District.

2.The Assistant Elementary Educational Officer,
Assistant Elementary Educational Office,
Kodaikanal Union, Kodaikanal,
Dindigul District.

+1 CC to M/s.SPL GP (SR-35857[F] dated 25/11/2021)

Order made in
W.P. (MD) No.10071 of 2015
24.11.2021

RS (04.12.2021) 3P 4C