



WEB COPY



W.P.No.25642 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25642 of 2016
and
W.M.P.Nos.21980 & 21981 of 2016

K.Syed Rahamathullah

...Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport, Corporation
Villupuram.

2.M/s.Shriram City Union Finance Limited,
Represented by its Branch Manager,
20, 1st Floor, Nehruji Road,
Opposite Sumathi Hospital,
Villupuram – 605 102.

3.Ramesh

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in proceedings Ka.Ku.En.4440/10/122/R1/Tha.Na.APO(V)/ 2016 dated 26.02.2016 on the file of 1st respondent and quash the same as illegal, incompetent Unconstitutional and without jurisdiction.



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For Petitioner : Mr.Sunny
For Mr.V.Raghavachari
For R1 : Ms.S.Pavithra
For R2 : Mr.K.V.Anantha Krushnana
For R3 : No appearance

ORDER

The order dated 26.02.2016 issued by the first respondent in implementation of the order of the Civil Court passed in E.P.No.44 of 2013 is under challenge in the present writ petition.

2. The petitioner was working as Conductor in the Tamil Nadu State Transport Corporation. He stood as a Guarantor in a loan transaction between the borrower and the 2nd respondent/M/s.Shriram City Union Finance Limited. Since the borrower committed default in repayment of loan, Arbitration proceedings were initiated and an award was passed. Subsequently, the 2nd respondent filed Execution Petition in E.P.No.44 of 2013 before the Sub-Court, Kallakurichi. The Civil Court passed an order of attachment in the Execution Petition and the said order was implemented by the first respondent/Tamil Nadu State Transport Corporation to recover the loan dues as per the award passed by the Arbitrator.



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3. The learned counsel for the petitioner made a submission that the order has not been produced before the first respondent. Per contra, the learned counsel for the 1st respondent made a submission that pursuant to the orders passed by the Civil Court, the attachment was made and the petitioner also had received notice from the Sub-Court and the said notice was acknowledged by him.

4. That apart, the Transport Corporation being a Garnishee, has to obey the orders of the competent Civil Court and accordingly, they have recovered the dues as per the order and deposited the same before the competent Court of law.

5. This being the factum, the petitioner has to work out his remedy in the manner known to law and more specifically, before the competent Civil Court in respect of the Execution proceedings. Thus, the writ petition itself is not entertainable as the order impugned was passed based on the Civil Court order passed in Execution Petition in E.P.No.44 of 2013.



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6. Thus, the writ petition stands dismissed. No costs. Consequently,
connected miscellaneous petitions are closed.

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Index : Yes
Speaking order: Yes
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To

1.The General Manager,
Tamil Nadu State Transport, Corporation
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S.M.SUBRAMANIAM, J.

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