



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.13388 OF 2020

Dr.K.C.Rajabather
Founder Cum Chairman
Indira Gandhi Jayanthi Memorial Women
Arts and Science College,
88E, Gingee Road, Tindivanam,
Villupuram District - 604 001.

... Petitioner

vs.

1. The Directorate of College Education,
Represented by its Director,
No.17, College Road, Thousand Lights,
Nungambakkam, Chennai - 600 008.
2. Tamil Nadu Transport Development Finance Corporation,
Represented by its Director,
No.22, Walajla Road, Mount Road,
Anna Salai, Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release a sum of Rs.10,00,000/- as interim loan from the deposit made by the institution.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.C.Jayaprakash
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 30.04.2020 and release a sum of Rs.10,00,000/- as interim loan from the deposit made by the petitioner institution.



2. The case of the prosecution is that, the petitioner college was established in the year 1997 and it is affiliated to Tamil Nadu Teachers Educational University. At the time of affiliation, the petitioner college had deposited a sum of Rs.10,00,000/- in a Nationalized Bank based on the instructions given by the Authority. Thereafter, the petitioner college deposited another sum of Rs.10,00,000/- as fixed deposit towards Lakshmi Vilas Bank. While being so, due to pandemic situation, the petitioner college has no source of income to disburse the salary for the teaching and non teaching staffs. Therefore, the petitioner college made a representation dated 30.04.2020 before the respondents seeking permission to raise at least 75% loan on deposit, however, till date no order has been passed. Hence, the present Writ petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner representation dated 30.04.2020 and release a sum of Rs.10,00,000/- as interim loan from the deposit made by the institution as early as possible. He further submits that pending writ petition, the Writ petitioner has passed away and, therefore, orders may be passed by this Court permitting the legal heirs of the petitioner to make necessary representation before the 1st respondent along with a copy of this order on which orders may be directed to be passed and the respondents may be directed to disburse 70% of the amount deposited as interim loan in favour of the legal heirs of the petitioner as expeditiously as possible.

4. The learned Government Advocate appearing on behalf of the respondents submitted that, if there is any provision available in favour of the legal heirs of the petitioner, the respondents will consider the representation and orders will be passed within the stipulated time as fixed by this Court.

5. Heard the arguments advanced by the learned counsel on either side and perused the materials placed on record.

6. In view of the above admitted position, the petitioner being dead, though technically the legal heirs of the petitioners should be substituted as party petitioners, however, in view of the fair stand taken by the learned counsel on either side and also considering the urgency involved in the matter, as the amount is required for the purpose of settling the salary and other benefits to the staff members, this Court, exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, while records the death of the petitioner, however, permits the legal heirs of the petitioner



to file a fresh application before the 1st respondent along with a copy of this order as well as a copy of the legal heir certificate within a period of two weeks from the date of receipt of a copy of this order and on such application being filed, the 1st respondent is directed to consider the same and pass appropriate orders within a period of six weeks thereafter.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

skt

To:

1. The Director,
The Directorate of College Education,
No.17, College Road, Thousand Lights,
Nungambakkam, Chennai - 600 008.
2. The Director,
Tamil Nadu Transport Development Finance Corporation,
No.22, Walajla Road, Mount Road,
Anna Salai, Chennai - 600 002.

+1cc to M/s.V.Raghavachari, Advocate, S.R.No.7638

+1cc to the Government Pleader, S.R.No.8056

W.P.No.13388 of 2020

GPL(CO)
RLP(16/03/2022)