



WEB COPY



W.P. No.25725 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.25725 of 2021

G.Parthasarathy

... Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai – 600 003.

2.The Deputy Commissioner (R&F)
Greater Chennai Corporation,
Ripon Buildings, Chennai – 600 003.

3.The Assistant Commissioner (AG&GP),
Greater Chennai Corporation,
Ripon Buildings, Chennai – 600 003.

4.The Zonal Officer, Zone -V,
Greater Chennai Corporation,
No.62, Basin Bridge Road,
Old Washermenpet, Chennai – 600 021.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents herein to pay the withheld DCRG amount and other monetary benefits and also to execute a release deed of the mortgaged property at No.5, School Road, C.I.T. Nagar West, Chennai – 600 035.

For Petitioner : Mr.R.Arunmozhi

For Respondents : Mr.G.T.Subramanian



W.P. No.25725 of 2021

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents herein to pay the withheld DCRG amount and other monetary benefits and also to execute a release deed of the mortgaged property at No.5, School Road, C.I.T. Nagar West, Chennai – 600 035.

2. The petitioner was working as Assessor at the respondent Corporation, during his service he obtained a housing loan to purchase a house property from Tamil Nadu Housing Board for which he obtained loan from his employer i.e. Chennai Corporation which was sanctioned by the Chennai Corporation.

3. At the time of superannuation and retirement dated 30.06.2017 since the loan was not paid, the DCRG amount has not been released to the petitioner and also at the time of sanctioning the loan, the property has been mortgaged in the name of the Commissioner, Chennai Corporation that has also not been released by the respondent.

4. In this context, it is the case of the petitioner that though the entire loan amount obtained by the petitioner has been repaid, the said



W.P. No.25725 of 2021

DCRG has not been released to the petitioner and also the respondent Corporation has not executed a release deed with regard to the mortgage of the property which was mortgaged to and in favour of the Commissioner, Chennai Corporation. In order to get the same, though the petitioner already given a representation, since it was not considered, he has approached this Court by filing the present writ petition with the aforestated prayer.

5. Heard Mr.R.Arunmozhi, learned counsel appearing for the petitioner who having reiterated the aforestated facts would seek indulgence of this Court to issue a direction by way of mandamus. He submits that the petitioner is entitled to get DCRG as well as getting release of mortgage of the property which he has purchased for which the entire loan amount already been settled.

6. Heard Mr.G.T.Subramanian, learned Standing Counsel appearing for the respondent Chennai Corporation who would submit that, since the entire loan has already been settled by the petitioner, the DCRG payable to the petitioner would be released shortly and also the Corporation would execute the release deed with regard to the mortgaged



W.P. No.25725 of 2021

property of the petitioner to that effect. However, the learned Standing Counsel seeks some reasonable time to comply the aforesaid two aspects which was sought for by the petitioner through his prayer.

7. I have considered the said submissions made by the learned counsel appearing for the parties and having regard to the said submissions made by the learned counsel for both sides especially the stand taken by the respondent Corporation as submitted by the learned Standing Counsel appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondent Chennai Corporation to release the DCRG amount payable to the petitioner with necessary interest from the date of due till the date of payment as he retired from service on 30.06.2017 and also execute a release deed in respect of the mortgaged property of the petitioner at No.5, School Road, C.I.T. Nagar West, Chennai – 600 035. The needful as indicated above shall be undertaken by the respondents within a period of eight weeks from the date of receipt of a copy of this order.



W.P. No.25725 of 2021

WEB COPY 8. With this direction, this Writ Petition is ordered accordingly. No costs.

08.09.2022

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai – 600 003.
- 2.The Deputy Commissioner (R&F)
Greater Chennai Corporation,
Ripon Buildings, Chennai – 600 003.
- 3.The Assistant Commissioner (AG&GP),
Greater Chennai Corporation,
Ripon Buildings, Chennai – 600 003.
- 4.The Zonal Officer, Zone -V,
Greater Chennai Corporation,
No.62, Basin Bridge Road,
Old Washermenpet, Chennai – 600 021.



WEB COPY



W.P. No.25725 of 2021

R.SURESH KUMAR, J.

Sgl

W.P. No.25725 of 2021

08.09.2022