



W.A.(MD)No.631 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.631 of 2022

and

C.M.P.(MD)No.5283 of 2022

The Secretary,
M.M.3144, Medical Department,
Staff-Employees Co-operative Thrift
and Credit Society Limited,
Medical College,
Madurai – 625 020.

: Appellant

Vs.

1.S.Ashok Kumar

2.The Circle Deputy Registrar of
Co-operative Societies,
O/F Circle Deputy Registrar of
Co-operative Societies,
Krishnarao Tank Street,
Madurai – 625 001.



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3.The Junior Administrative Officer,
Government Hospital,
Thirumangalam,
Madurai District.

4.D.Koodalingam : Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letter Patent, praying to allow the Appeal, set aside the order passed in W.P. (MD)No.21164 of 2016 dated 24.03.2022.

For Petitioner : Mr.T.Ravichandran
For Respondents 1 to 3 : Mr.D.Sadiq Raja
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **R.VIJAYAKUMAR, J.**]

The present Writ Appeal has been filed challenging the order passed by the learned Single Judge, under which the writ petitioner has prayed for quashing the order of attachment and to recover the loan amount from the fourth respondent.



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2.According to the petitioner, he stood as a guarantor for the fourth respondent herein and the fourth respondent has not repaid the loan amount in time. Due to the said default of the fourth respondent, the salary of the petitioner was attached by an order dated 29.08.2016. Under the said order, the employer of the petitioner was directed to recover a sum of Rs.5,000/- for a period of 60 months and remit the monthly instalments.

3.As per the order dated 29.08.2016, the writ petitioner had paid the monthly instalments at the rate of Rs.5,000/- from July 2016 till October 2021, totalling an amount of Rs.3,20,000/- extending for a period of 64 months. Even thereafter, when the third respondent Society started to recover the amount, the petitioner has approached this Court to quash the order of attachment. The learned Single Judge after going through the order of attachment and the payments made by the writ petitioner has arrived at the finding that instead of Rs.3,03,100/- the petitioner has even paid an excess amount. After arriving at such a factual finding, the learned Single Judge has passed an order that the entire loan amount has been fully and finally settled by the petitioner and the learned Single Judge has also passed an order restraining the Cooperative Bank from collecting any further amount. This order is under challenge before us.



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4. Learned Counsel for the appellant Cooperative Society submitted that the interest has been calculated and for future interest, the order of attachment has to be continued even beyond 60 months.

5. We are not in agreement with the said submission. A perusal of the order dated 29.08.2016 clearly discloses the fact that including interest, the EMI at the rate of Rs.5,000/- has been arrived at by the authority who had passed the order. In fact, the writ petitioner has suffered recovery more than the above order. In the above circumstances, we do not find any illegality or infirmity in the order passed by the learned Single Judge and this Writ Appeal is devoid of merits.

6. Accordingly, this Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[P.N.P.J.] & [R.V.J.]

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Index : Yes/No

Internet : Yes/No

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To

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and
R.VIJAYAKUMAR, J.

MR

ORDER MADE IN
W.A.(MD)No.631 of 2022

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