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W.P. No.1573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.1573 of 2023 & W.M.P. No.21942 of 2023

N. Rajan

Petitioner

v

- 1 The Secretary
Madras High Court Cooperative Society Ltd.
Chennai 600 104
- 2 The Deputy Registrar
Cooperative Societies (Credit)
Kuralagam
Chennai 600 108
- 3 The Commissioner of Treasuries & Accounts
CPS Cell
Government Data Centre
Nandanam
Chennai 600 035
- 4 The Registrar General
High Court
Madras 600 104

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to implement the by-laws of Surety Relief Fund of the Madras High Court Cooperative Society in respect of Loan A/c No.598 of I. Anandha Rao to enable the society either to consider the petitioner's request by implementing the by-laws in favour of the petitioner



W.P. No.1573 of 2023

or to adjust appropriate amount from the CPS benefits of the said Anandha Rao in his loan dues.

For petitioner	Mr. Mohd. Nazirullah for Mr. M. Mohamed Hasain
For R1	Mr. M.S. Palaniswamy
For RR 2 & 3	Mr. E. Vijay Anand Additional Govt. Pleader
For R4	Mr. M. Fakkir Mohideen

ORDER

(made by S. VAIDYANATHAN, J.)

This is a case where for the sin of having signed as surety, the petitioner is required to clear the outstanding in the loan account of his dismissed colleague.

2 The facts leading to the filing of this writ petition can be succinctly stated thus:

2.1 One Ananda Rao joined the services of this High Court as Watch and Ward on 04.11.2004 and he was a member of the first respondent society. The petitioner also is employed in this Court as Lift Operator and he is also a member of the first respondent society. The petitioner and Ananda Rao were mutual guarantors for the loans availed by them.



W.P. No.1573 of 2023

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2.2 While so, Ananda Rao, who had availed two loans for Rs.60,000/- and Rs.4,80,000/-, from the first respondent society, was dismissed from service, after enquiry, in 2017. As a fallout, since the petitioner was Ananda Rao's surety, the first respondent society addressed communications dated 28.03.2017 and 02.07.2019 to the petitioner to clear the outstanding of Rs.3,42,529/- as on 30.06.2019.

2.3 In response, the petitioner addressed a letter dated 25.09.2019 to the first respondent society stating that the aforesaid outstanding may be recovered from the amount lying in the CPS account and other service benefits of Ananda Rao. He also addressed a letter dated 14.10.2019 to the similar effect, to the fourth respondent.

2.4 Finding no response, this writ petition has been filed seeking a mandamus directing the respondents to implement the by-laws of the Surety Relief Fund of the first respondent society *qua* Loan A/c No.598 of Ananda Rao, thereby recovering the loan availed by Ananda Rao from the CPS and other service benefits of the said Ananda Rao.



3 Heard the learned counsel for the parties and perused the materials available on record.

4 The following facts culled out from the records are beyond cavil:

- the whereabouts of Ananda Rao are not known and the attempt made to reach out his family members also has ended in futility;
- Ananda Rao owes a sum of Rs.58,680/- to the Government recoverable by the fourth respondent, the break up being Rs.39,000/- towards Personal Computer Advance and Rs.19,180.21 towards interest therefor and Rs.500/- towards one instalment of Festival Advance;
- Ananda Rao owes a sum of Rs.7,08,168/- to the first respondent society [loan amount of Rs.5,40,000/- (+) interest of Rs.1,68,168/-] for which the petitioner is the surety;
- the total dues payable by Ananda Rao is Rs.7,66,848/-;
- an amount of Rs.6,80,138/- is available in the CPS a/c of Ananda Rao; and
- none has approached the Registry staking claim to the amount lying in the CPS account of Ananda Rao;

5 Considering the facts and circumstances of the case and in order to give a quietus to the matter, it is ordered that at the first instance, the sum of Rs.58,680/- due to the fourth respondent, shall be adjusted from the balance in the CPS account of Ananda Rao and the remaining amount in his CPS account, shall be transferred to his loan account no.598 and the first



W.P. No.1573 of 2023

respondent society shall adjust the balance outstanding from the Surety Relief Fund. The fourth respondent is directed to take steps to withdraw the CPS amount of Ananda Rao from the third respondent and disburse the same as directed in the earlier paragraph. Further, the third respondent is directed to release the CPS amount to the fourth respondent on the request to be made by the latter, for compliance of this order.

With the above directions, this writ petition stands disposed of, sans costs. Connected W.M.P. stands closed.

(S.V.N., J.) (K.R.S., J.)
11.12.2023

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Note to Office: Issue order copy by 20.12.2023

To

- 1 The Secretary
Madras High Court Cooperative Society Ltd.
Chennai 600 104
- 2 The Deputy Registrar
Cooperative Societies (Credit)
Kuralagam
Chennai 600 108
- 3 The Commissioner of Treasuries & Accounts
CPS Cell
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<https://www.mhc.tn.gov.in/judis>

- 4 The Registrar General



High Court
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W.P. No.1573 of 2023

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and

K. RAJASEKAR., J.

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