



W.P(MD)No.17466 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.17466 of 2014

M.Sadayandi

...Petitioner

Vs

- 1.The Superintendent of Post Office,
Dindigul Division,
Dindigul – 624 001.
- 2.The Deputy Registrar Co-operative Societies,
No.11, State Bank Colony,
Nehuruji Nagar,
Dindigul – 624 001.
- 3.The Management of M.D.109 Post &
Telecom Employees Co-operative Thrift
Society Ltd.,
Represented by its Secretary,
17/5, Santha Complex,
Arathi Theater Road,
VMR Patty, Dindigul – 624 001.
- 4.Sri.Gurusamy,
Retired Superintendent of Post offices,
5/1, Tahsildar Nagar,
Yagappa Nagar Police Station Road,
Madurai – 625 020.



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5.Sri.P.Somasundaram,
Village Librarian,
K.Vadakkampatti,
Karumathur (PO),
Sekkanurani – 625 514,
Madurai District.

6.Smt.R.Sahaya Shantha Sheela

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 & 3 herein to take appropriate steps to recover a sum of Rs.1,69,655/- being the loan amount of L.Rajarajan from the sixth respondent based on his representation dated, 09.10.2014.

For Petitioner	: Mr.S.M.Mohan Gandhi
For R1	: Mr.P.Paul Pandi
	Central Government Standing Counsel
For R2	: Mr.G.V.Vairam Santhosh
For R3 & R4	: No appearance
For R5	: Mr.M.Saravanan
For R6	: Mr.K.Appadurai

ORDER

This writ petition is filed for a Mandamus, to direct the respondents 1 & 3 herein to recover the loan amount of one L.Rajarajan from the sixth respondent/the wife of L.Rajarajan, considering the petitioner's representation dated, 09.10.2014.



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2.The petitioner is a retired Sub Post Master and he was also a member of Post and Telecom Employees Co-operative Thrift Society, Dindigul. One Rajarajan, a co-employee requested the petitioner to stand as Guarantor for the loan obtained by him for a sum of Rs.1,00,000/- from the thrift Society. As a friendly gesture, the petitioner stood as a Guarantor for the loan obtained by the said Rajarajan. Subsequently, the said Rajarajan died on 19.02.2005 in a road accident. Instead of recovering the loan amount from the DCRG and other benefits of the deceased Rajarajan, the third respondent has issued notice to the petitioner for recovery of the loan amount of the deceased Rajarajan from the petitioner on the ground that the petitioner stood as a Guarantor for the deceased Rajarajan.

2.1.According to the learned counsel for the petitioner, the sixth respondent, the wife of the deceased rajarajan, has received all the retirement benefits of the deceased Rajarajan and she is also



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having sufficient means. However, she is not inclined to repay the debts of her husband and the third respondent Society, without initiating any action to recover the amount from the concerned person, who has availed the loan, is taking action against the petitioner, who stood as a Guarantor for the loan availed by the deceased Rajarajan. Therefore, he filed this writ petition for a Mandamus to direct the third respondent Society to recover the loan amount from the wife of the deceased, the sixth respondent herein.

3.The learned counsel appearing for the sixth respondent submits that it is not correct to state that the sixth respondent is having sufficient means to repay the loan amount. However, she undertakes to repay a sum of Rs.1,00,000/- towards the loan amount availed by her husband Rajarajan. An affidavit of undertaking has also been filed to that effect.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5.The petitioner, as a friendly gesture or for some other reason stood as a Guarantor for the loan availed by the deceased Rajarajan cannot escape from the liability. In the meantime, the sixth respondent, the wife of the deceased Rajarajan is also having onus to settle the loan amount, which was availed by her husband during his life time. It is to be noted that the sixth respondent is also prepared to settle a sum of Rs.1,00,000/- towards the loan amount availed by the deceased Rajarajan.

6.Recording the affidavit of undertaking filed by the sixth respondent/the wife of the deceased Rajarajan that she is prepared to settle a sum of Rs.1,00,000/- towards the loan amount availed by her husband within a period of four months, this writ petition is disposed of. The balance amount shall be recovered from the petitioner. No costs.

02.06.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes
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B.PUGALENDHI, J.

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