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W.P.No.35993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35993 of 2023

C.Vanathaiyan

... Petitioner

-Vs-

1.Registrar of Co-Operative Societies,
No.170, N.V.Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai-600 010.

2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, No.2, Anna Salai,
Chennai-600 002.

3.The President/Special Officer,
Transport Corporation employees
Co-OP Thrift and Credit Society,
No.X-367, Teynampet,
Near Rathna Nagar, Chennai-600 018.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, to direct the respondents to take effort to recover a sum of Rs.2,04,210/- with 12% interest from the borrower Mr.Margandan, to whom the petitioner had given surety for the loan



W.P.No.35993 of 2023

taken by him from the 3rd respondent Society or to give all the relevant documents to the petitioner pertaining to loan taken by the borrower Mr.Margandan to enable the petitioner to file suit to recover money from the borrower as the right of recovery is vested with the petitioner as loan amount payable borrower was paid by the petitioner.

For Petitioner : Mr.S.T.Varadarajalu

For R1 : Mr.S.Rajesh
Government Advocate

ORDER

This Writ Petition has been filed for direction directing the respondents to recover a sum of Rs.2,04,210/- with interest at the rate of 12% from the borrower viz., Margandan.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined in the service of the second respondent as Water Carrier. Due to attainment of his superannuation, he retired from service on 30.06.2013. He was a member of the third respondent Society. While he was in service, he stood as surety for



W.P.No.35993 of 2023

Margandan, who was also employee of the second respondent, who availed loan from the society. Subsequently, he removed from service for the allegations of misconduct. However, he failed to repay the loan amount. Therefore, when the petitioner was retired, the third respondent insisted the petitioner to pay the money due by the said Margandan, since the petitioner stood as surety for him. However, the amount was recovered from the retirement benefits of the petitioner in the year 2013. After a period of 11 years, the petitioner come forward with this writ petition, that too, for direction directing the respondents to take steps to recover the amount which was adjusted from the petitioner's retirement benefit. Such direction cannot be issued, since, the writ petition has been filed after a period of 11 years from the date of retirement.

4. Considering the above facts and circumstances of the case, the third respondent is directed to furnish the loan documents, in which the petitioner stood as surety for the said Margandan, within a period of twelve weeks from the date of receipt of a copy of this order, so that the petitioner can file a suit as against the said Margandan for recovery of money.



W.P.No.35993 of 2023

5. With the above direction, this Writ Petition is disposed

of. No costs.

03.01.2024

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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To

1.Registrar of Co-Operative Societies,
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3.The President/Special Officer,
Transport Corporation employees Co-OP Thrift and Credit Society,
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Near Rathna Nagar, Chennai-600 018.

4. The Public Prosecutor,
High Court, Madras.



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W.P.No.35993 of 2023

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Lpp

W.P.No.35993 of 2023

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