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W.P.(MD)No.8920 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8920 of 2024

and

W.M.P.(MD).Nos.8109 & 8111 of 2024

K.Shanmugam

... Petitioner

Vs.

1.The Commissioner,
Karur City Municipal Corporation,
Karur-1.

2.The Secretary,
Q-127, Karaikudi Municipal,
Superior Employees Co-operative,
Thrift and Credit Society Limited,
Karaikudi-1,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned demand notices of the second respondent issued to the first respondent, dated 05.12.2022 for a sum of Rs.1,15,722/- dated 21.02.2023 for a sum of Rs.4,02,964/- dated 25.10.2023 for a sum of Rs.4,35,450/- pertaining to loan account No.696 for the recovery of petitioner's salary and quash the same and direct the second respondent to withdraw all the demand notices in loan



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account No.696 in the name of the petitioner, which have already been repaid as duly provided by the second respondent in the manner known to law.

For Petitioner : Ms.S.Mahalakshmi
For R-1 : Mr.K.Balasubramanian,
Standing Counsel
For R-2 : Mr.S.Kameshwaran,
Government Advocate

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.S.Mahalakshmi, learned counsel for the petitioner, Mr.K.Balasubramanian, learned Standing Counsel for the first respondent and Mr.S.Kameshwaran, learned Government Advocate for the second respondent.

3. The petitioner has filed this Writ Petition challenging the order of recovery of the alleged outstanding towards the loan availed by the petitioner in Loan Account No.696.



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4. The learned counsel appearing for the petitioner would submit that the petitioner, who availed loan, had repaid the same in entirety and there are no pending dues. But, the demand notice has been issued to recover certain amount from the salary of the petitioner, on a wrong notion that the petitioner has pending dues.

5. However, the learned Standing Counsel appearing for the first respondent would submit that the petitioner has not settled the entire loan and he has credited a part of repayment of the loan amount towards Personal Account which was not remitted in the Account of the Society.

6. Since the matter rests in a very narrow compass of calculating the actual payment and the pending dues and the source at which all the repayment of the petitioner got credited, I feel the petitioner can be given adequate opportunity to make his submissions before the demand notice was issued to him.

7. In view of the same, the impugned demand notice issued by the first respondent is quashed and the first respondent is directed to re-check the payment and issue a fresh notice to the petitioner and grant him opportunity to offer his explanation and thereafter, consider and pass appropriate orders.



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8. With the above direction, the Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Commissioner,
Karur City Municipal Corporation,
Karur-1.

2.The Secretary,
Q-127, Karaikudi Municipal,
Superior Employees Co-operative,
Thrift and Credit Society Limited,
Karaikudi-1,
Sivagangai District.



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R.N.MANJULA, J.

TSG

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