



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 28001 of 2025

1. K.Periyasamy
S/o. Karuppanna Gounder, D.No.16,,
Padayappa Nagar, Seelanackenpatty,
Salem District.

Petitioner(s)

Vs

1. The Chief Education Officer
Kallakurichi District
Kallakurichi

2.The District Elementary
Educational Officer
Chinnasalem, Kallakurichi District.

3.The Head Master
Government Higher Secondary
School, Kallakurichi District.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st and 3rd Respondents not to sanction or disburse any retirement benefits and other benefits to the deceased family members viz., namely Loganathan and his legal heirs until the disposal of the Execution Petition in REP No.252 of 2024 in OS No.702 of 2022 on the file of the Honble Sub Court, Kallakurichi and consequently to pay a sum of Rs.9,99,649/- along with subsequent interest 24 percent per annum for the principal amount a sum of Rs.6,00,000/- till the date of realization by considering the petitioner's representations dated 21.06.2025 within a time stipulated period of time



fixed by this Honble Court.

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For Petitioner(s): Mr. M.Dinesh

For Respondent(s): Mr.S.Prabhakaran
Government Advocate
for R1 to R3

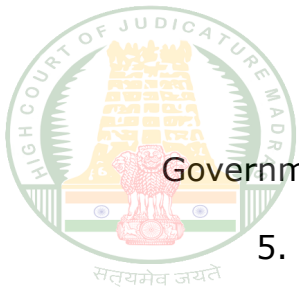
ORDER

This writ petition has been filed to direct the 1st and 3rd Respondents not to sanction or disburse any retirement benefits and other benefits to the deceased family members viz., namely Loganathan and his legal heirs until the disposal of the Execution Petition in REP No.252 of 2024 in OS No.702 of 2022 on the file of the Honble Sub Court, Kallakurichi and consequently to pay a sum of Rs.9,99,649/- along with subsequent interest 24 percent per annum for the principal amount a sum of Rs.6,00,000/- till the date of realization by considering the petitioner's representations dated 21.06.2025 within a time stipulated period of time.

2. Heard Mr.M.Dinesh, learned counsel for the petitioner and Mr.S.Prabhakaran, learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioner would submit that one Loganathan has borrowed a sum of Rs. 6,00,000/- and the petitioner has also got money decree vide decree dated 30.06.2023 and that the said Loganathan died on 28.05.2025. The learned counsel would further submit that the retirement benefits of Loganathan should not be given to his legal heirs, as the petitioner is having a money decree.

4. The aforesaid contention was stoutly objected by the learned



Government Advocate appearing for the respondents.

5. I have given my anxious consideration to either side submissions.

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6. The short point to be considered is, whether under Article 226 of Constitution of India, can the writ Court interfere in a Civil matter?. In the case in hand, admittedly, the petitioner has got decree against the said Loganathan. If at all the petitioner wants to attach the amount, that is available with the employer, it is for him to move before the Civil Court by filing an application for attachment and he cannot circumvent the said procedure available in the Civil Procedure Code by filing the writ petition. Hence, this Court does not find any merits in the present writ petition.

7. However, while looking at the typed set of papers, the petitioner sent a representation on 21.06.2025. Hence, this Court, without going into the merits of the matter, deems it appropriate to direct the respondents to consider the petitioner's representation and pass orders on it's own merits and in accordance with law, within a period of four(4) weeks from the date of receipt of a copy of this order. No costs.

31-07-2025

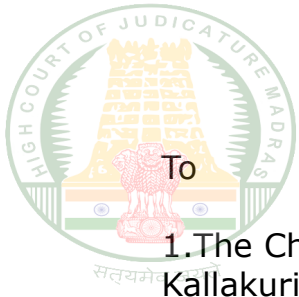
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

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C.KUMARAPPAN J.

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