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W.A.(MD)NO.1020 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1020 of 2025 AND

C.M.P.(MD)No.6453 of 2025

Vanitha Sree

... Appellant / Petitioner

Vs.

1. The District Collector,
Madurai District.
2. The President,
Alanganallur Panchayat Union Public Servants
Co-operative Thrift and Credit Society A.2900,
Alanganallur, Madurai – 625 501. ... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ appeal and set aside the order of this Court dated 07.03.2025 made in W.P.(MD)No.6206 of 2025 dismissing the writ petition.

For Appellant : Mr.K.Muraleedharan

For R-1 : Mr.N.Ramesh Arumugam,
Government Advocate.

* * *

**J U D G M E N T**

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(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The appellant herein filed W.P.(MD)No.6206 of 2025 for directing the respondents to proceed against the immovable property of her husband for recovering the loan availed by him. The learned single Judge dismissed the writ petition vide order dated 07.03.2025. Challenging the same, this writ appeal came to be filed.

3. We are of the view that this appeal has been filed pre-maturely. The appellant's counsel asserts that it was the appellant's husband who availed the loan from the second respondent Society and that the appellant is neither a guarantor nor a surety. If that be so, then obviously the second respondent cannot proceed against the properties of the appellant nor her salary can be attached. These are questions of fact and in the absence of clear materials, we are making only observations and nothing more than that. If the appellant's husband had availed any loan and the appellant is not the guarantor, the only remedy open to the second respondent is to proceed against the properties of the appellant's deceased husband.



4. With this observation, this writ appeal is dismissed. No costs.

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Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)

13th June 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

The District Collector,
Madurai District.



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