



WEB COPY

WP No. 25918 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP No. 25918 of 2016

1. G.Jayalakshmi
W/o. late N.Gopu,
No.12, Ananthapuram Street,
M.G.R. Road, Bethalpuram East,
Tambaram, Chennai-600 059.

Petitioner(s)

Vs

1. The Joint Director of
Agriculture
Department of Agriculture
Dharmapuri District,
Dharmapuri- 636 705

2.M.Elumalai,
S/o. Mannupillai,
Residing at No. 10/170A, North street
Sandaipettai Village, Tirukoilur Taluk.
(R2 IMPEADED VIDE ORDER DT
19.06.2023 MADE IN WMP.7229/2023
IN WP.25918/2016 BY PBBJ)

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the entire records relating to the order dated 04.05.2016 made in Se. Mu. Aa. No. A2/525/ 2014 on the file



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of the respondent herein and quash the same and consequently, direct the respondent to pay a sum of Rs.2,71,573/- (Rs.78,521 + Rs.1,93,052/-) together with interest at the rate of 18% per annum to the petitioner.

For Petitioner(s): Mr.C.Munusamy

For Respondent(s): Dr.S.Suriya
Special Government Pleader
For R1
M/s.V.Srimathi for R2

ORDER

The present writ petition filed challenging the impugned order dated 04.05.2016 by and in which an amount of Rs.4,50,207/- was deducted from DCRG amount of the petitioner's husband Mr.N.Gopu.

2.Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned counsel for the 2nd respondent.

3.The learned counsel for the petitioner would submit that though there were four items of the amount was deducted from her husband's salary, they are only concerned about the deduction of a sum of Rs.1,93,052/- on account of the pendency of the suit before the Principal Subordinate Court, Villupuram. The learned counsel for the petitioner would further submit that mere pendency of



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the suit against the petitioner or her husband will in no way give any right to the respondent to deduct the above amount from the DCRG of the petitioner's husband. It is the further submission of the learned counsel that unless a decree or attachment is ordered, the question of deduction of DCRG amount from the petitioner's husband is illegal. Hence, prayed to allow the present writ petition to the extent of a deduction of Rs.1,93,052/- in respect of pendency of civil suit before the Principal Subordinate Court, Villupuram.

4.The said contention was stoutly objected by the learned Special Government Pleader and would contend that a suit was filed against the petitioner in OS.No.56 of 2014, wherein a decree was passed on 03.09.2018 directing the petitioner, who is the legal heir of Mr.N.Gopu to pay a sum of Rs.1,76,250/- with interest at the rate of 9% per annum from the date of plaint to the date of decree, and thereafter, 6% per annum till the date of realisation on the principal amount of Rs.1,50,000/-. It is the further submission of the learned Special Government Pleader that prior to passing of such order, there was an attachment before judgement by the Court. Therefore, in pursuance of attachment order, they have received a letter from the Principal Subordinate Court vide letter dated 04.08.2023. Only in pursuance of the direction of the Court, they have deducted the DCRG amount.



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5.The learned counsel for the 2nd respondent would submit that a copy of the attachment order, wherein a sum of Rs.1,93,052/- available with the respondent was ordered to be attached and such order was also served upon them. Therefore, it is the contention of the 2nd respondent that the petitioner cannot have any grievance in respect of the impugned order.

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

7.As rightly contended by the learned counsel for the petitioner, unless the suit is decreed, the question of deduction of any amount based upon the pendency of the suit is illegal. However, in the present case, it is the specific contention of the petitioner that there was an attachment before judgment and only based upon the said order, the amount was deducted from the DCRG amount of the petitioner's husband. To support his contention, the learned Special Government Pleader would rely upon the written instructions given by the Joint Director, the respondent herein, wherein it refers a communication from the Principal Subordinate Judge, Villupuram to the Joint Director on 04.08.2023. In addition to that, the learned counsel for the respondent has also produced a copy of the attachment dated 13.07.2017, wherein a sum of Rs.1,93,052/- was attached in I.A.No.183 of 2014. Therefore, this Court is of



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the firm view that though there was no decree on the date of adjudication, this Court absolutely does not find any infirmity in the action of the respondent.

8. In the result, this writ petition stands dismissed. No costs.

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Index: Yes

Speaking order

Internet: Yes

Neutral Citation: Yes

kmi

To

1. The Joint Director of
Agriculture Department of Agriculture
Dharmapuri District,
Dharmapuri- 636 705



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C.KUMARAPPAN J.

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