



W.P.(MD)No.18793 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18793 of 2020

Jesindha

... Petitioner

Vs.

1.The Deputy Registrar,
Co-operative Society,
Aruppukottai,
Virudhunagar District.

2.The Secretary,
Q-1151, Teachers & Panchayat
Union Staffs, Co-operative Sangam Limited,
Kariyapatti,
Viruthunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.2 to consider the petitioner's representation dated 18.11.2020.

For Petitioner

: Mr.J.Senthil Kumar

For R-1

: Ms.J.Farjana Ghoushia,
Special Government Pleader



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For R-2

Mr.D.Shanmugaraja Sethupathy

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ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the second respondent to consider the representation dated 18.11.2020 and to take a decision within the time frame fixed by this Court.

2. The case of the petitioner is that her husband had taken a loan from the Co-operative Society. He was also paying the monthly installments and he died on 25.12.2015. Steps were initiated to recover the amount and final order was passed by the first respondent directing for the payment of a sum of Rs.87,880/- (Rupees Eighty Seven Thousand Eight Hundred and Eighty only).

3. The petitioner made a representation dated 18.11.2020 expressing her intention to pay the entire amount that is due and payable and to issue a No Due Certificate. Since the same was not considered, the present Writ Petition has been filed before this Court.



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4. The learned Special Government Pleader produced the written instructions received from the first respondent. For proper appreciation, the amount that is due and payable by the petitioner is extracted hereunder:

□மேற்படி தீர்ப்பானையை அனுசரித்து
மேற்படி சங்கத்தால் நிறைவேற்று மனு எண் 232 /
2002-2003. இவ்வலுவலகத்தில் தாக்கல்
செய்யப்பட்டு அதில் 06.10.2023 தேதி வரையில்
அசல் ரூ.62,035/- மற்றும் வட்டி ரூ.3,20,721.00
சேர்த்து ஆக மொத்தம் ரூ.3,82,756-
நிலுவையாக இருந்து வருகிறது. எனவே, மேற்படி
தாவா தீர்ப்பானையின்படி உத்தரவான தீர்ப்புத்
தொகை 62,035/- ஆனது வசூலாகும் தேதி
வரையில் 22% பின்வட்டியுடன் செலுத்தப்பட்டால்
மட்டுமே மேற்காணும் தாவா தீர்ப்பானை 116
/1999-2000 மீதான நிறைவேற்று மனுவின் (நி.ம
232 / 2002-2003) தொடர் நடவடிக்கைகள்
முடிவுக்கு வரும் என்பதை அன்புடன் தெரிவித்துக்
கொள்கிறேன்.□

5. The learned counsel appearing for the second respondent also submitted that if the petitioner pays the amount as calculated by the first respondent, the second respondent Society will issue a No Due Certificate to the petitioner.



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6. In view of the above, it is left open to the petitioner to pay the amount as calculated by the first respondent and on such payment, the second respondent shall issue a No Due Certificate to the petitioner.

7. This Writ Petition is disposed of with the above directions.

No costs.

09.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To
The Deputy Registrar,
Co-operative Society,
Aruppukottai,
Virudhunagar District.



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N.ANAND VENKATESH, J.

tsg

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