

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM

THE HONOURABLE MR.JUSTICE.N.KIRUBAKARAN

W.P.No.17859 of 2015

and

M.P.No.1 of 2015

R.Maniyammal

...Petitioner

.Vs.

1. The Registrar of Co-operative Societies (Housing)
No.22, 4th Main Road,
Gandhi Nagar, Adayar,
Chennai 600020.
2. The General Manager,
Tamilnadu Co-operative Housing Federation,
No.48, Rithardon Road,
Veppery, Chennai 600 008.
3. Deputy Registrar of Co-operative Societies(Housing)
Salem Region,
East Garden Road, Faillands,
Salem 636 016.
4. The Secretary/Special Officer,
Attur Taluk, Co-operative Housing Society Ltd.,
No.12, 1st Gandhi Road (Near Gandhi Statue)
South Udayarpalayam,
Attur, Salem 636 102.

...Respondents

Prayer: This Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents to waive the loan obtained by the petitioner's husband on account of death of the petitioner's husband based on the representation dated 18.06.2015 and consequently direct the fourth respondent to stop all coercive steps by way of auction, attachment or making any encumbrance against the petitioner's house property situated at M.B.Nagar, Vethanayagapuram, Kamakkapalayam (Post), Attur Taluk, Salem District.

For Petitioner : Mr.M.Rajendran
For Respondents : Mr.D.Venkatachalam

ORDER

This petition has been filed by the petitioner seeking to waive the loan obtained by the petitioner's husband on account of death of the petitioner's husband based on the representation dated 18.06.2015 and consequently direct the fourth respondent to stop all coercive steps by way of auction, attachment or making any encumbrance against the petitioner's house property.

2. The petitioner contends that her husband, late.Rajendran, obtained a Housing Board Loan from the fourth respondent for a sum of Rs.2,00,000/-. After payment of monthly installment without default, the petitioner's husband passed away on 11.09.2008, leaving behind the petitioner and five children. Due to sudden demise of her husband, the petitioner cannot repay the loan. Meanwhile, the fourth respondent sent a notice calling upon the petitioner, to pay a sum of Rs.4,87,114/- and therefore, the petitioner made a representation dated 18.06.2015.

3. In the aforesaid circumstances, the petitioner has approached this Court by way of filing this writ petition not to take any coercive steps by the respondents.

4. Heard Mr.M.Rajendiran, learned counsel appearing for the petitioner and Mr.D.Venkatachalam, learned counsel appearing for the respondents.

5. Mr.D.Venkatachalam, learned counsel appearing for the respondents would submit that they have produced a circular dated 01.03.2012 issued by the second respondent, by which, it is stated that if the debtor dies at the time of loan period, the amount will be recovered by way of insurance coverage .

6. Taking into consideration the said circular No.11267/2011-2012/A1. Dated 01.03.2012 and since the debtor namely petitioner's husband, late.Rajendiran died, the petitioner's family is entitled to the benefit of the Government Policy, as per circular dated 01.03.2012. Therefore, the fourth respondent is directed to waive of the loan amount by the petitioner's husband within a period of twelve weeks and the 4th respondent is also directed not to take any coercive steps, by way of auction, attachment or making any encumbrance against the petitioner's house property.

7. In the above directions, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kkd

To

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1 CC to the Government Pleader, SR.No. 45809

W.P.No.17859 of 2015
and
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EV (CO)
PSI (22.09.2015)