IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.22719 of 2015
and
M.P.No.1 of 2015

Mrs.Roasay Jecinta .. Petitioner

vs.

1. The Joint Registrar of
   Co-operative Societies,
   Tanfed Building, 3rd Floor,
   St.Mary's Road,
   Alwarpet, Chennai,
   Tamilnadu - 600 02.

2. Tamil Nadu Co-operative Bank,
   New No.4, Old No.223,
   NSC Bose Road,
   Parrys Building & Opposite High Court,
   Chennai - 600 001.

3. The Branch Manager,
   TNSC Bank,
   Valasaravakkam,
   Chennai - 600 043. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that in the absence of any clause in the Pawn ticket for escalation of the property pledged by the petitioner that the third respondent have no right to claim the fluctuating rate on the strength of the price of gold and appropriate the interest paid towards the escalation rate as hidden charges.

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For petitioner : Rev.Dr.S.N.Amarnath
For respondents 1 & 2 : Mr.D.Venkatachalam,
Government Advocate

ORDER

Mr. D.Venkatachalam, learned Government Advocate, takes notice for Respondents 1 and 2.

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2. With the consent of parties, this Writ Petition is taken up for disposal at the admission stage itself.

3. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate for respondents 1 and 2 and perused the records.

4. The petitioner has been served with a jewel loan demand notice dated 30.06.2015 to clear the entire loan amount together with interest, penal interest and other charges within 15 days from the date of receipt of that notice, failing which the jewels pledged by the petitioner for availing the loan will be sold in public auction without any further notice. Inspite of the notice, the petitioner has neither cleared the entire loan amount nor submitted any explanation. Instead of approaching the respondent, the petitioner has resorted to file the present Writ Petition seeking for the relief stated above.

5. Considering the nature of the notice issued, the prayer sought for by the petitioner cannot be granted and the Writ Petition is liable to be dismissed. However this Court feels that it is appropriate to direct the petitioner to approach the respondent concerned and submit his explanation within a stipulated time. Accordingly, this Writ Petition is dismissed and the petitioner is directed to approach the respondent concerned and submit his explanation within a period of 15 days from the date of receipt of a copy of this order. No costs. The connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Joint Registrar of
   Co-operative Societies,
   Tanfed Building, 3rd Floor,
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   Alwarpet, Chennai,
   Tamilnadu - 600 02.

2. Tamil Nadu Co-operative Bank,
   New No.4, Old No.223,
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3. The Branch Manager,
   TNSC Bank, Valasaravakkam,
   Chennai - 600043.

+ 1 cc to Govt.Pleader SR 39091

+ 1 cc to Mr.S.N.Amarnath, Advocate SR 38872

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