

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.2872 of 2015

A.Sakthivel

.. Petitioner

v.

1 The Secretary to Government
Housing and Urban Development Department,
Secretariat, Chennai-9.

2 The Registrar of Co-operative Societies,
(Housing), Chennai-600 035.

3 The Chairman/ Managing Director,
Tamil Nadu Co-operative Housing Union,
48, Ritherdon Road,
Vepery, Chennai-600 007.

4 The Deputy Registrar (Housing)
of Co-operative Societies,
Salem-636 016.

5 The Secretary,
Mettur Industrial Employees,
Co-operative Housing Society
K.K.128, Thangampuri Pattinam,
Mettur RS-2, Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the respondents to consider the representation dated 6.1.2014 of the petitioner and return the documents to the petitioner, which was deposited as security towards the Loan No.429/ 2000-2001 advanced by Mettur Industrial Employees Co-operative Housing Society, K.K.128 and also to refund to the petitioner in excess amount paid by him.

For Petitioner

: Mr.G.Punniyakotti

For Respondents

: Mr.EM.S.Natarajan

Govt. Advocate (CO.Op) - for R1 to R4

Ms.P.Rajalakshmi,

Govt. Advocate - for R5

ORDER

The above writ petition has been filed by the petitioner to issue a writ of mandamus, directing the respondents to consider his representation dated 6.1.2014 and return the documents to him, which was deposited as security towards the Loan account advanced by Mettur Industrial Employees Co-operative Housing Society and also to refund the excess amount paid by him.

2. It is the case of the petitioner that he availed a housing loan from the society and got Rs.1,50,000/- (Rupees one lakh and fifty thousand only) and thereafter, he remitted the entire loan amount in full settlement on 31.5.2010. However, according to the petitioner, though he had fully settled the loan account on 31.5.2010 and in fact remitted excess amount towards the above loan account, the 5th respondent has not returned the original documents deposited by him as security. In these circumstances, the petitioner gave a representation dated 6.1.2014 to the respondents for the return of the documents and refund of the excess amount. However, according to the petitioner, the respondents have not considered the representation, even after a lapse of one year.

3. Mr.EM.S.Natarajan learned Government Advocate, takes notice for the respondents 1 to 4 and Ms.P.Rajalakshmi, learned Government Advocate takes notice for the fifth respondent and the respective learned counsels submitted that the fifth respondent may be directed to consider and dispose of the representation dated 6.1.2014 filed by the petitioner within a stipulated time.

4. Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the fifth respondent to consider the representation dated 6.1.2014 given by the petitioner and dispose of the same, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

With this observation, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary to Government
Housing and Urban Development Department,
Secretariat, Chennai-9.
- 2 The Registrar of Co-operative Societies,
(Housing), Chennai-600 035.
- 3 The Chairman/ Managing Director,
Tamil Nadu Co-operative Housing Union,
48, Ritherdon Road, Vepery, Chennai-600 007.
- 4 The Deputy Registrar (Housing)
of Co-operative Societies,
Salem-636 016.
- 5 The Secretary,
Mettur Industrial Employees,
Co-operative Housing Society
K.K.128, Thangampuri Pattinam,
Mettur RS-2, Salem District.

1 cc to Mr.G. Punniyakotti, Advocate, Sr 6029

1 cc to Government Pleader, Sr. 6376

सत्यमेव जयते

W.P.No.2872 of 2015

NM (CO)
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