

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.33667 of 2015
and
M.P.No.1 of 2015

K.Thajudeen

...Petitioner

- Vs -

1. The Deputy Registrar,
Housing, Vellore Division,
Vellore.

2. The Secretary,
Ambur Co-operative Housing Building Society,
Ambur.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records on the file of the 1st respondent in C.E.P.218/04/05 and ARC No.1665/03/04 dated 2.9.2015 and quash the same.

For Petitioner : Mrs.V.Srimathi

For Respondents : Mr.L.P.Shanmugaselvam
Spl. GP (Co.Op) for R2

Mr.V.Jayaprakash Narayanan
Spl. G.P. for R1

ORDER

By consent this Writ Petition is taken up for final disposal.

2. The petitioner borrowed loan from the Second respondent Society on 07.09.2010 to the tune of Rs.4,00,000/-. He repaid a sum of Rs.8,00,000/- towards principal and interest. Lastly, he paid a sum of Rs.1,00,000/- and expected the second respondent to foreclose the loan account. However, the present impugned notice has been issued by the first respondent. Challenging the same, the petitioner is before this Court.

3. Heard Ms.V.Srimathi learned counsel for the petitioner and Mr.L.P. Shanmugaselvam, learned counsel for the respondents.

4. As rightly pointed out by the learned counsel for the petitioner Ms.V.Srimathi there is a Government Order viz., G.O.No.40 dated 16.03.2015 with regard to waiver of interest and penal interest and the petitioner's loan has to be considered in the light of the said Government Order. If this Government Order is applicable appropriate decision with respect to interest and penal interest has to be made by the respondents. Therefore, the second respondent is directed to consider the petitioner's loan in the light of the G.O.No.40 dated 16.03.2015, within a period of four weeks from the date of receipt of a copy of this order and the decision should be intimated to the petitioner so as to enable the petitioner to work out his remedy. With the above direction, the impugned order dated 02.9.2015 is quashed. If any amount is due from the petitioner, it is open to the second respondent to take appropriate action to recover the money .

5. In view of the same, the second respondent is directed to defer the proceedings till the order is passed. Thereafter, further period of three weeks is given to take appropriate action and repay the amount, if the petitioner intends not to challenge the said order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Registrar,
Housing, Vellore Division,
Vellore.

2. The Secretary,
Ambur Co-operative Housing Building Society,
Ambur.

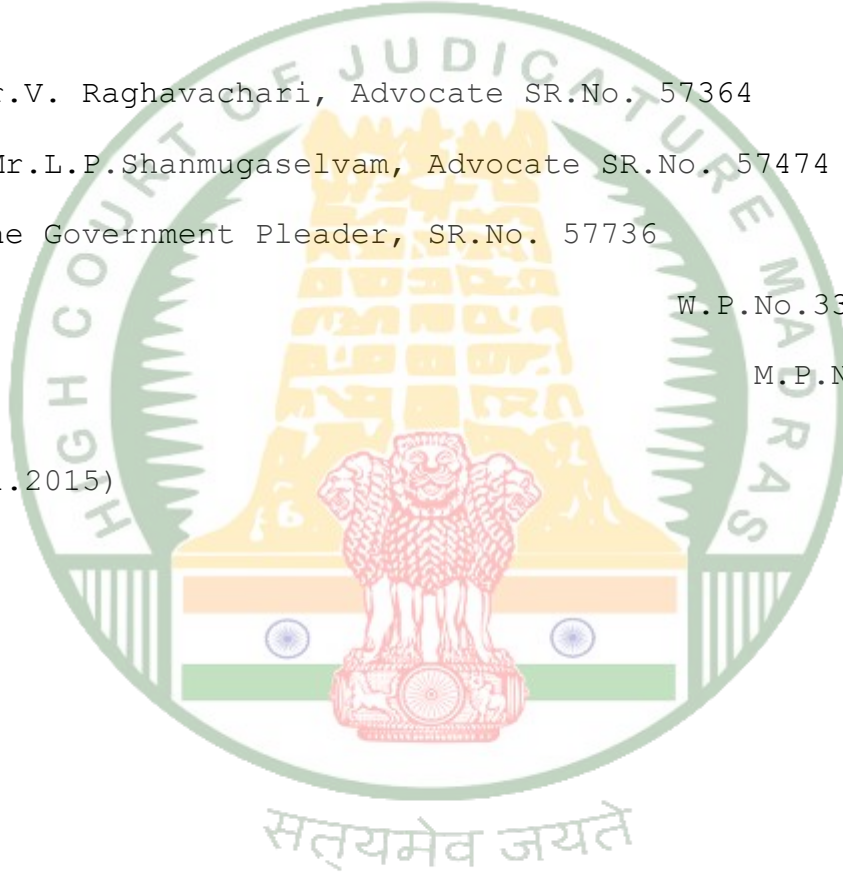
1 CC to Mr.V. Raghavachari, Advocate SR.No. 57364

2 CCs to Mr.L.P.Shanmugaselvam, Advocate SR.No. 57474

1 CC to the Government Pleader, SR.No. 57736

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and
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SCD (CO)
PSI (04.11.2015)



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