

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30-10-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.35225 of 2015

and

Mp 1 of 2015

M.Liagath Ali
(Member No.21711)
A18, Cheranma Nagar,
Vilankurichi Post,
Coimbatore-641 085. Petitioner

Vs.

- 1.The State of Tamilnadu Rep. by
The Secretary to Government,
Housing and Urban Development Dept.,
Secretariat,
Chennai-600 009.
- 2.The Deputy Registrar (Housing)
Ramasamy Road,
North Kovai,
Chinthamani Complex,
R.S.Puram,
Coimbatore-641 002.
- 3.The Coimbatore Cooperative Housing Society Ltd.,
No.1081, Gopalapuram, II St.,
Coimbatore-641 018.
- 4.The Cooperative Sub Registrar/The Arbitrator,
Coimbatore Cooperative Housing Society Ltd.,
No.1081, Copalapuram, II Street,
Coimbatore-641 018. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing

the 1st respondent to direct the respondents 2 to 4 to waive the penal interest and the interest on the belated payment as per the Govt. Order in G.O.(Ms.)No.40 dated 16.3.2015 and permit the petitioner to pre-close the loan before the expiry of the loan period in August 2017.

For Petitioner :Mr.R.Singgaravelan,
for M/s.M.Srividhya

For Respondents :Mr.D.Venkatachalam

ORDER

The petitioner availed a sum of Rs.3 lakhs as housing loan for repairing his house from the third respondent and he remitted a sum of Rs.1.5 lakhs and for payment of balance loan amount two years' time is available.

2. However, arbitration proceedings have been initiated by the respondents for recovery of money. Meanwhile, on 22.9.2015, the petitioner gave a representation to the first respondent to extend the benefits of the G.O.Ms.No.40 dated 16.3.2015 and also the circular dated 25.3.2015 issued by the Additional Registrar of Cooperative Housing Society, especially Clause-VIII of the circular.

3. Even though, the said representation was given on 22.9.2015, no order has been passed so far. Therefore, the petitioner has come before this Court.

3. Heard Mr.R.Singgaravelan, the learned counsel appearing for the petitioner and Mr.D.Venkatachalam, learned counsel appearing for the respondents.

4. It is appropriate to direct the respondents to consider the petitioner's representation in the light of the G.O.Ms.No.40 dated 16.3.2015 and also the circular dated 25.3.2015, especially clause-VIII of the circular, within eight weeks from the date of the receipt of a copy of the order. Meanwhile, the petitioner is directed to deposit 50% of the principal amount within eight weeks from the date of the receipt of a copy of this order, failing which, it is open to the respondent to take action against the petitioner. Till the representation of the petitioner is disposed of, the respondents are prohibited for taking coercive steps against the petitioner.

5. With the above direction, the writ petition is disposed of. No costs. Consequently the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CCC)

True Copy

Sub Assistant Registrar

To:

1. The Secretary to Government,
The State of Tamilnadu
Housing and Urban Development Dept.,
Secretariat,
Chennai-600 009.
- 2.The Deputy Registrar (Housing)
Ramasamy Road,
North Kovai,
Chinthamani Complex,
R.S.Puram,
Coimbatore-641 002.
- 3.The Coimbatore Cooperative Housing Society Ltd.,
No.1081, Gopalapuram, II St.,
Coimbatore-641 018.
- 4.The Cooperative Sub Registrar/The Arbitrator,
Coimbatore Cooperative Housing Society Ltd.,
No.1081, Copalapuram, II Street,
Coimbatore-641 018.

+lcc to M/s.M.Srividhya, Advocate sr.59417
+lcc to Mr.D.Venkatachalam, Advocate Sr.59727
+lcc to The Government Pleader Sr. 59873

ctk[co]
srg 16/11/2015

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