

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.39166 of 2015 &
M.P.No.1 of 2015

R. Jayalakshmi

[PETITIONER]

Vs

- 1 The Government of Tamil Nadu
Rep by its Secretary
Housing and Urban Development
Fort St George, Secretariat,
Chennai - 600 009.
- 2 The Registrar
O/o. The Registrar of Co-operative Societies
(Housing)
Tamil Nadu Housing Board
Nandanam, Chennai.
- 3 The Additional Registrar/Managing Director
No.48 Ritherdon Road
Veppery, Chennai - 600 007.
- 4 The Co-operative Sub-Registrar
O/o. The Co-operative Sub-Registrar
Salem District
- 5 The Secretary
Salem Fairlands Co-operative House
Construction Society Ltd
No.S864 Fairlands, Salem -636 016

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus, to call for the records relevant to the order dated 07.10.2015 passed by the 5th respondent and quash the same as illegal improper unreasonable and against the natural justice and thereby direct the respondents to consider the petitioner's request of one time settlement on the light of the circular

No.335 through in proceedings in Na.Ka.No. 13632/ 2013-14/ Ka. Pa. Pi. dated 29.05.2015 passed by the 3rd respondent.

For Petitioner .. Mr.A.Rajesh Kanna
For Respondents.. Mr.R.Bala Ramesh
Additional Government Pleader

O R D E R

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.A.Rajesh Kanna, learned Counsel appearing for the petitioner and Mr.R.Bala Ramesh, learned Additional Government Pleader who accepted notice on behalf of the respondents.

3.The petitioner is aggrieved by the letter issued by the fifth respondent Society dated 07.10.2015, in and by which her request for one time settlement was not considered and she was directed to remit a sum of Rs.13,83,582/-.

4.Earlier the petitioner approached this Court by filing a writ petition in W.P.No.25170 of 2015, praying for issuance of a writ of mandamus to direct the fifth respondent to consider the representation submitted by her dated 06.06.2015. In the said representation, the petitioner stated that she wants to settle the entire loan by paying a sum of Rs.8,68,258/-. Taking note of the said submission, the said writ petition was disposed of by directing the fifth respondent Society to consider the petitioner's representation dated 06.06.2015. Accordingly, an order has been passed, which is impugned in this writ petition.

5.The learned counsel for the petitioner would submit that the impugned order has been passed, without taking into consideration the Circular issued by the Registrar (Housing), dated 29.05.2015.

6.Admittedly, the impugned proceedings has been passed by the fifth respondent Co-operative Society, from which it is seen that the petitioner availed the loan and she is also a member of the Society. Therefore, no direction can be issued against the Society and if the petitioner is aggrieved, she is at liberty to approach the Deputy Registrar (Housing) of the concerned Region for ventilating her grievance.

The Writ Petition is dismissed with the above liberty. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary,
The Government of Tamil Nadu
Housing and Urban Development
Fort St George, Secretariat,
Chennai - 600 009.
- 2 The Registrar
O/o. The Registrar of Co-operative Societies
(Housing)
Tamil Nadu Housing Board
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Salem Fairlands Co-operative House
Construction Society Ltd
No.S864 Fairlands, Salem -636 016

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.66963
+1cc to The Government Pleader, S.R.No.67168

W.P.No.39166 of 2015

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srg 28/12/2015