



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) Nos.16190 and 13982 of 2013

M.S.Alagarsamy ... Petitioner in W.P.No.16190 of 2013
R.V.Kasi Viswanathan ... Petitioner in W.P.No.13982 of 2013

Vs.

1.The Secretary,
Co-operative Food and Consumer
Protection Department,
Fort St., George,
Chennai 600 009.

2.The Official Liquidator,
The Madurai Urban Co-operative Bank Ltd.,
32, Naicker New Street,
Madurai 625 001. ... Respondents in all W.Ps.

Prayer in W.P(MD)No.16190 of 2013: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st Respondent to consider the Petitioner's representation dated 08.06.2013 sympathetically and take decision on the Petitioner's representation within the stipulated period fix by this Honourable Court thereby enabling the petitioner to pay the remaining 75% of Debt amount together with interest at the rate of 6% from the date on which the Petitioner failed to remit the 75% till the 2nd Respondent receives the entire 75% i.e. from 30.12.2011 till the date fixed for the remaining payment of 75% of debt amount and thereupon direct the 2nd respondent to close the Petitioner's Loan Account ML - 53.

Prayer in W.P(MD)No.13982 of 2013: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st Respondent to consider the petitioners representation dated 14.06.2013 sympathetically and take decision on the petitioners representation within the stipulated period fix by this Honble Court thereby enabling the petitioner to pay the remaining 25% of Debt amount together with interest at the rate of 6% from the date on which the petitioner failed to remit the 25% till the 2nd Respondent receives the entire 25% i.e. from 30.12.2011 till the 2nd Respondent receives the entire 25% i.e from 30.12.2011 till the date fixed for the remaining payment of 25% of debt amount and thereupon direct the 2nd Respondent to close the petitioners Loan Account ML- 33.



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For Petitioners : Mr.V.R.Venkatesan
For 1st Respondent : Mr.M.Govindan,
Special Government Pleader.
For 2nd Respondent : Mr.T.Lajapathi Roy
(In both W.Ps)

COMMON ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

The Madurai Urban Co-operative Bank has lent certain amount to individuals on immovable security. The Bank had to settle the depositors which is the subject matter of a separate proceedings which is now pending before the Supreme Court.

2.It is represented that the bank on its part wants to recover the amount given to those individuals and issued notices under the provisions of the SARFAESI Act, 2002.

3.The present writ petitions have been filed to consider the representations of the petitioners dated 08.06.2013 and 14.06.2013.

4.Mr.T.Lajapathi Roy, learned counsel for the second respondent has no objection to grant the relief of mandamus to enable the first respondent to consider the claim of the petitioners on merits.

5.In such view of the matter, the petitioners are directed to submit a fresh representation to the first respondent along with a copy of this order. On receipt of such representation, the first respondent is at liberty to consider the claim of the petitioners, if it is permissible under law and pass appropriate orders, on merits within a reasonable period, preferably, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition are disposed of. No costs.

sms

Sd/-
ASSISTANT REGISTRAR

/True Copy/

SUB ASSISTANT REGISTRAR

To
The Secretary, Co-operative Food and Consumer
Protection Department, Fort St., George, Chennai 600 009.

2CC TO MR.V.R. VENKATESAN, ADVOCATE, SR.NOS.44009,44008
1CC TO MR.T. LAJAPATHI ROY, ADVOCATE, SR.NO.44139.

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2P/5C