

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.29735 of 2012
and
M.P.No.1 of 2012

L.Thaimoon

...Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary,
Food, Consumer and Co-operative Department,
Fort St. Geore,
Chennai - 600 009.
2. The Registrar of Co-operative Societies,
NVN Maaligai,
No.170, E.V.R. Periyar Salai,
Kilpauk, Chennai - 6000 010.
3. The Secretary,
Maduranthagam Cooperative Building Society,
Limited G. 1629,
No.50, Hospital Road,
(Opp. Hindu High School)
Maduranthagam - 603 306,
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to extend the interest waiver scheme announced by the Government of Tamil Nadu, which was also published in one issue of Tamil Daily, "Dinathanthi" on 26.09.2012, which, scheme came to an end on 31.9.2012, so as to enable the petitioner to get the interest, or other penal charges waived in respect of the housing loan availed by her under Loan Account No.539, during the year 2000 with the fourth respondent by considering the representation of the petitioner, dated 22.09.2012.

For Petitioner : Mr.S.Mani
For Respondents 1 and 2 : Ms.T.P.Savitha
Government Advocate
For Respondent-3 : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

Heard the learned counsel appearing for the parties.

2. The petitioner seeks for issuance of writ of mandamus to direct the respondents to extend the interest waiver scheme announced by the Government, so as to enable her to fully close the housing loan availed by her in the year 2000, under Loan Account No.539.

3. Ms.T.P.Savitha, learned Government Advocate for respondent/Society submits that the loan was availed by the petitioner in the year 2000, and for the past four years, i.e. till 2004, no amount was made by her. Though the petitioner agreed that within 30 days, she would clear all the dues, she failed to fulfill her promise and did not pay the amount. It is stated that subsequently 15% of the loan was paid. So far as the extension to interest waiver scheme is concerned, the learned Government Advocate submits that several notices were sent, directing the petitioner to avail the benefit of the interest waiver scheme, and the last one such notice was sent on 11.07.2013, stating that the petitioner has to pay Rs.100264/-, and to avail the said scheme, the petitioner has to pay 30% on or before 15.07.2013, the said 30% amounts to Rs.30,079/-. However, the petitioner has not availed the said benefit. The Writ Petition is pending from 2012, and no interim orders was granted. In spite of the same, it is not known as to why the third respondent/Society have not taken any steps for recovery of the loan amount.

4. In the light of the above, there will be a direction to the petitioner to appear before the third respondent, and submit a written representation clearly stating as to within what period of time, she will clear the entire loan and how much amount, she agrees to pay. If such representation is made within two weeks from the date of receipt of a copy of this order, on the petitioner appearing in person before the Secretary of the third respondent/Society, the third respondent shall consider the same and pass orders within a period of two weeks thereafter. In case, the petitioner fails to comply with the condition mentioned in the order, that is to be passed by the third respondent, the petitioner cannot once again question the same, since this Court has granted this indulgence, though there is a stiff resistance by the third respondent. If the petitioner fails to clear the dues as per the said letter, which

the third respondent has to issue in terms of the above direction, it is open to the third respondent to proceed further in accordance with law.

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

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s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

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(Opp. Hindu High School)
Maduranthagam - 603 306,
Kancheepuram District.

+ 1 cc to Govt.Pleader SR 21701

+ 1 cc to Mr.S.Mani, Advocate SR 21413

svi(co)
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