

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7167/2016

N.Priyadharshini

.. Petitioner

Versus

The President/Chairman
Pudupettai Cooperative
Society Limited
No.15, Thulasingham Street
Pudupet, Chennai 600 002.

..Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to consider the representation sent by the petitioner dated 22.02.2016 and cancel the final statement report dated 12.02.2016 sent by the respondent within the time stipulated by this Court.

For Petitioner : Dr.G.Krishnamurthy
For Respondent : Mrs.T.P.Savitha, GA

ORDER

Heard the learned counsel appearing for the petitioner and Mrs.T.P.Savitha, learned Government Advocate accepting notice on behalf of the respondent and with their consent, the writ petition is taken up for final disposal at the admission stage.

2 The petitioner has filed the present writ petition seeking for issuance of a writ of mandamus to direct the respondents to consider the representation sent by her dated 22.02.2016 and to cancel the final statement report dated 12.02.2016 sent by the respondent within the time to be stipulated by this Court.

3 The petitioner's husband availed mortgage loan from the respondent Society in the year 2003 and admittedly he was a defaulter. When action was taken for recovery of the amount, he filed a suit in OS.No.22/2006 before the District Munsif Court, Ambattur. Though a conditional order was passed by the Civil Court, the petitioner's husband did not comply with the same. But, subsequently, he also passed away. Thereafter, the

liability fell on the petitioner. The petitioner, earlier approached this Court by filing WP.N.2675/2014 praying for a direction to consider her representation dated 03.02.2014 and to direct the respondent to furnish the actual statement of Accounts in respect of the amounts due to the respondent / Society. The said writ petition was disposed of by recording the submission that the petitioner would settle the entire loan as an One-Time Settlement. As per the directions issued by this Court, the respondent / Society, furnished the details of the loan by furnishing the copy of the ledger sheet. It appears that thereafter, the petitioner has been making certain payments and now she has been served with the demand notice dated 12.02.2016, in which the total amount claimed from the petitioner is Rs.5,07,573/-. The petitioner states that the payments made by her, has not been properly accounted for.

4 I am of the view that this issue cannot be adjudicated in this writ petition, especially in the light of the earlier orders passed by this Court in WP.No.2675/2014 dated 03.02.2014, wherein the petitioner appears to have agreed to settle the entire loan amount as OTS. In any event, this Court does not propose to foreclose the petitioner's right and it is open to her to avail the remedies available under the provisions of the Tamil Nadu Cooperative Societies Act, 1983, by approaching the Deputy Registrar [Credit], Kuralagam, Chennai.

5 The writ petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

The President/Chairman
Pudupettai Cooperative Society Limited
No.15, Thulasingham Street
Pudupet, Chennai 600 002.

+ 1 cc to M/s. S.V.S. Ilamvazhuthi, Advocate Sr.2138

+ 1 cc to Mrs.T.P.Savitha, Advocate Sr 12976 (29/3/16)

WP.No.7167/2016

RSY(CO)

Eu 09.03.16