

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8158 of 2016

C. Elavazhagan

... Petitioner

Vs

1. The Chairman-cum-Managing Director
TANGEDCO
No.144 Anna Salai
Chennai 600 002.
 2. The Superintending Engineer (P & A)
North Chennai Thermal Power Station
Ennore
Chennai 600 057.
 3. The Superintending Engineer
Chennai Electricity Distribution Circle/North
TANGEDCO
No.144 Anna Salai
Chennai 600 002.
 4. The Executive Engineer (O & M)
Chennai Electricity Distribution Circle/North
TANGEDCO
S.S.Complex
Ponneri
Thiruvallur District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to furnish the entire due amounts and statement of accounts to the petitioner towards the housing loan sanctioned by the second respondent by office order No.77/Adm.II/A1/96/1 dated 29/3/1996, to enable the petitioner to settle the same in order to redeem the mortgaged property, on considering the representation of the petitioner dated 18/3/2013, 21/6/2013, 7/1/2014, 23/9/2014 and 30/1/2015.

For Petitioner ... Mr.S.N.Ravichandran
For respondents... Mrs.R.Varalakshmi

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O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.N.Ravichandran, learned counsel for the petitioner and Mrs.R.Varalakshmi for the respondents.

3. This writ petition has been filed praying to direct the respondents, to furnish the entire due amounts and statement of accounts to the petitioner towards the housing loan sanctioned by the second respondent by office order No.77/Adm.II/A1/96/1, dated 29/3/1996, to enable the petitioner to settle the same in order to redeem the mortgaged property, on considering the representations of the petitioner dated 18/3/2013, 21/6/2013, 7/1/2014, 23/9/2014 and 30/1/2015.

4. The case of the petitioner is that he had applied for housing loan, on 3/2/1996, to the second respondent, for purchase of a ready built flat from Bavani Builders. The second respondent, by an order dated 29/3/1996, sanctioned housing loan of Rs.2,45,650/- on condition to pay EMI of Rs.1,710/- for 143 months and last EMI of Rs.1,120/-. After registration of sale, the said property was mortgaged by depositing the original title deed in favour of the first respondent by registered mortgage deed, dated 21/3/1998. From the date of sanctioning of the housing loan, the respondents are periodically deducting the EMI amount from June 1996 till March 1998.

5. Due to some unforeseen circumstances, the petitioner was removed from service, by an order dated 8/2/20014. As against the order of removal, the petitioner had raised a Industrial Dispute before the labour Court and the same is pending. The petitioner made several representations to the respondents dated 18/3/2013, 21,6,2013, 7/1/2014, 23/9/2014 and 30/1/2015, to furnish the outstanding loan amount to enable the petitioner to settle the same in order to get back the original sale deed, which was mortgaged to the Board. Even after the lapse of so many years, the respondents have not furnished the same. Hence the petitioner has come forward with the present writ petition praying for the relief as stated therein.

6. Without going into the merits of the claim of the petitioner, the first respondent is hereby directed to consider the representation of the petitioner dated 30/1/2015, and pass an appropriate order, on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order, by affording an opportunity of personal hearing, to the petitioner as well as to the necessary parties. It is made clear that this Court has not

expressed any opinion with regard to the merits of the claim of the petition.

7. With the above direction, this writ petition is disposed of. No costs.

mvs.

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

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S.S.Complex
Ponneri
Thiruvallur District.

+ 1 cc to Mr.S.N.Ravichandran, Advocate, SR 14254

+ 1 cc to Mrs.R.Varalakshmi, Advocate, SR 14501

ev(co)
prk23/3

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