



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2016

C O R A M

WEB COPY

THE HONOURABLE DR.JUSTICE **S.VIMALA**

Writ Petition (MD) No.19401 of 2016

Nagaiyasamy, President,
MDA - HSG - 59,
Thirumangalam Taluk
Cooperative Housing Society Limited,
Thirumangalam - 625 706,
Madurai District.

.. Petitioner

Vs.

- 1.The Secretary to the Government,
Housing and Urban Development Department,
Fort St.George, Secretariate,
Chennai.
- 2.The Registrar of Cooperative Societies (Housing)
No.493, Anna Salai, T.N.H.B.Complex,
Second Floor Annexe, Nandhanam,
Chennai - 600 035.
- 3.The Additional Registrar/Managing Director,
Tamil Nadu Cooperative Housing Federation Limited,
Post Box No.486, No.48, Ritherdon Road,
Veppery, Chennai - 600 007.
- 4.The General Manager,
Tamil Nadu Cooperative Housing Federation Limited,
No. X 406, No.48, Ritherdon Road,
Veppery, Chennai - 600 007.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent herein to dispose the petitioners society Representation dated 02.07.2015 by ordering for release of legally due and payable amounts to the petitioner society with interest within a stipulated time.

**ORDER**

The petitioner has filed this writ of Mandamus seeking direction to the third respondent to dispose of the petitioner's society's representation dated 02.07.2015 by ordering release of the legally payable amount to the society with interest, within a limited time frame to be fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. Thirumangalam Taluk Cooperative Housing Society Limited, represented by its President Nagaiyasamy, is the petitioner. By G.O. Ms. No. 113, Housing and Urban Development (Vi. Ku. Sa. 1) Department, dated 20.05.2008, it was decided that the loan amounts outstanding from poor people classed as economically weaker section, the Government will pay service charges, interest and penal charges.

4. As per Government Order referred to above, the petitioner society has to waive a sum of Rs. 5,70,78,622/- (Rupees five crores seventy lakhs seventy eight thousand six hundred and twenty two only), but the housing federation adjusted waiving a sum of Rs. 4,75,76,590/- (Four crores seventy five lakhs seventy six thousand five hundred and ninety only) vide receipt dated 30.04.2008. The balance is yet to be reimbursed to the petitioner's society. As the housing federation committed a grave error in distributing the waived loan amount, the society sent numerous representations seeking reimbursement from the housing federation. The petitioner society suffered on account of paucity of funds and it is unable to discharge his regular and normal duties. Since the respondents did not take any action based on the representation dated 02.07.2015, this writ petition has been filed.

5. It is agreeable by the learned counsel for the respondents to consider the representation of the petitioner within eight weeks.

6. Accordingly, the third respondent is directed to consider the petitioner's society's representation, dated 02.07.2015 and to pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/



To

1.The Secretary to the Government,
Housing and Urban Development Department,
Fort St.George, Secretariate, Chennai.

2.The Registrar of Cooperative Societies (Housing)
No.493, Anna Salai, T.N.H.B.Complex,
Second Floor Annexe, Nandhanam,
Chennai - 600 035.

3.The Additional Registrar/Managing Director,
Tamil Nadu Cooperative Housing Federation Limited,
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4.The General Manager,
Tamil Nadu Cooperative Housing Federation Limited,
No. X 406, No.48, Ritherdon Road,
Veppery, Chennai - 600 007.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.61123

+1 CC to Mr.P.MAHENDRAN, Advocate, SR No.60972

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SH/SKS-RR:14.11.2016:2P/7C