

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2017

CORAM

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.21670 of 2017

Y.P.Kaliyamoorthy

...Petitioner

Vs.

1. The Assistant General Manager,
Tamilnadu Co-operative Housing Federation,
(Venkatasamy Vaseekam Nilayam),
No.48, Ritherten Road,
Chennai -7.

2. The Assistant General Manager,
Tamilnadu Co-operative Housing Board,
Gandhi Nagar CHBS (Co-operative House
Building Society)
Gandhi Nagar, Attur, Salem District.

...Respondents

Prayer: This writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to receive the Principal and its interest of the loan amount from the petitioner as per the instruction made in the letter dated 06.06.2017 in Na.Ka.No.4834/16-17/Va(MA)A issued by the 1st respondent consequently direct the 2nd respondent to release the documents which was pledged by the petitioner before the 2nd respondent while availing loan as security and close the loan account.

For petitioner : Mr.R.Nalliyappan

For Respondents : Mr.S.Kanmani Annamalai
Additional Government Pleader
for R1

Mr.V.Selvaraj
Additional Government Pleader
For R2

.. .. .

O R D E R

1. The learned counsel for the petitioner would submit that the petitioner has undertaken to comply with the order passed by the 1st respondent dated 06.06.2017 on or before 30.08.2017. With regard to the difference amount, claimed by the society is concerned, the petitioner may be permitted to make a representation to the 1st respondent, after such compliance.

2. The learned Additional Government Pleader submits that according to the claim, total balance amount will be Rs.6,69,402/-. Therefore, the claim of the petitioner is not correct. If the same is disputed, the petitioner can approach the appropriate authority under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983.

3. In view of the submissions made by the learned counsel for both the parties, and as per the undertaking given by the learned counsel for the petitioner, with the consent of both the parties, this court is inclined to pass the following orders:

- a. The petitioner has to pay the amount as per the order passed by the 1st respondent in Na.Ka.No.4834 of 2016-2017 dated 06.06.2017 on or before 30.08.2017.
- b. If the said amount is deposited within such period, then it is open to the petitioner to file an appeal under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983, within two weeks.
- c. the aforesaid clause(a) is not complied with, it is open to the respondent to proceed in accordance with law.

4. The writ petition is disposed of, with the above observations. No costs.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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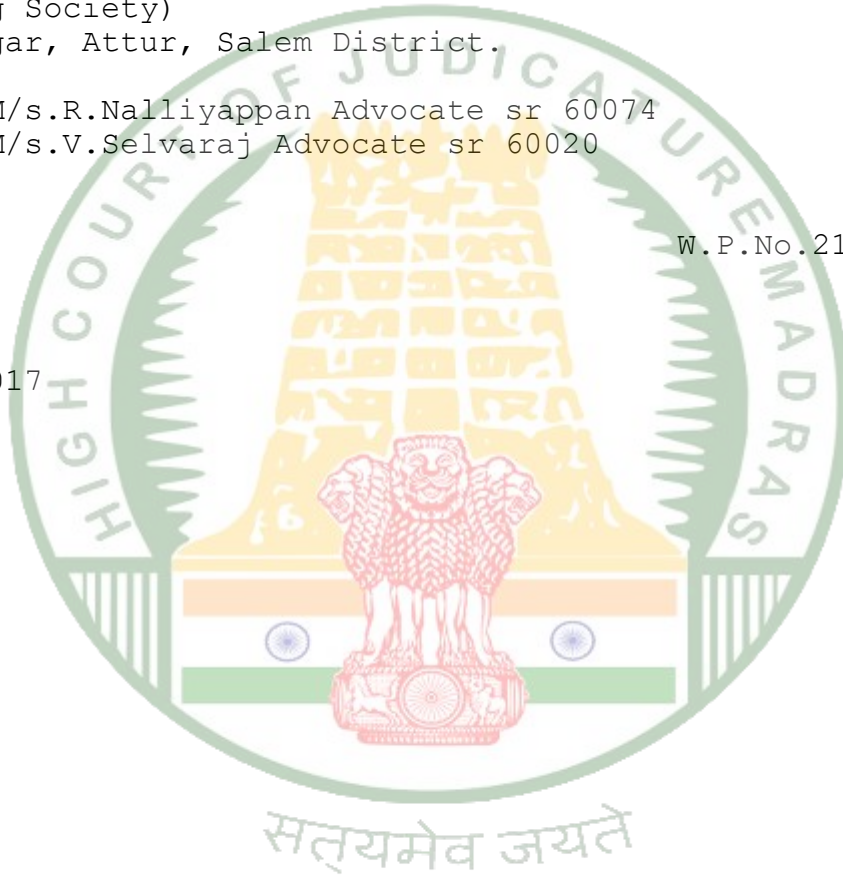
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+1 cc to M/s.R.Nalliyappan Advocate sr 60074
+1 cc to M/s.V.Selvaraj Advocate sr 60020

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