

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.22146 of 2017

K.Elumalai

.. Petitioner

Vs

1. The Registrar (Housing),
Saidapet, Chennai - 600 035.
2. The Tamil Nadu Co-operative
Housing Federation,
Rep, by its Registrar,
No.48, Ritherdon Road,
Vepery, Chennai - 600 007.
3. The Deputy Registrar (Housing),
Saradha College Main Road,
Near Canara Bank,
Fairlands, Salem - 636 016.
4. The Suramangalam Co-operative House
Building Society Ltd.,
No.13, Bharathiyar Street,
Subramaniya Nagar,
Salem - 636 005.

.. Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith close the Loan Account of the Petitioner's wife Mrs.E.Soundaravalli (Membership No.2855-Loan Account No.76/2000-01) pending on the file of The Suramangalam Co-operative House Building Society Ltd, Subramaniya Nagar, Salem - 636 005, by availing the Group Insurance Scheme benefits from the 2nd respondent due to the petitioner's wife and to release the Original Title Deeds of the Petitioner's wife's property in Survey No.83/2, Reddiyar Village, Salem District to the Petitioner at the earliest by considering and passing orders on the representation of the petitioner dated 10.07.2017.

For Petitioner :Mr.K.Selvaraj

For Respondents:Mr.L.P.Shanmugasundaram,
Special Government Pleader for R1 & R3

Mr.S.Kanmani Annamalai,
Additional Government Pleader for R2

Mr.P. Mohanraj for R4.

O R D E R

This Writ Petition has been filed, seeking to direct the respondents to forthwith close the Loan Account of the Petitioner's wife Mrs.E.Soundaravalli (Membership No.2855-Loan Account No.76/2000-01) pending on the file of The Suramangalam Co-operative House Building Society Ltd, Subramaniya Nagar, Salem - 636 005, by availing the Group Insurance Scheme benefits from the 2nd respondent due to the petitioner's wife and to release the Original Title Deeds of the Petitioner's wife's property in Survey No.83/2, Reddiyar Village, Salem District to the Petitioner at the earliest by considering and passing orders on the representation of the petitioner dated 10.07.2017.

2. The learned counsel appearing for the petitioner submits that the petitioner's wife availed a housing loan of Rs.4,00,000/- from the fourth respondent Society. On 28.09.2012, the Petitioner's wife died. Before her death, she repaid a sum of Rs.3,90,000/-. The learned counsel further contended that the petitioner submitted the death certificate and Legal Heir Certificate of his wife to the fourth respondent society, for availing Group Insurance Scheme and requested to return the Original Title Deeds of his wife. On 30.06.2017, the fourth respondent society directed the petitioner to pay the loan amount. Hence, the petitioner made a representation on 10.07.2017 requesting to avail the grouping insurance scheme amount towards the petitioner's wife loan amount and return the title deeds. There is no response from the second respondent in respect of the representation dated 10.07.2017. Therefore, the petitioner filed the present Writ Petition before this Court seeking the aforesaid prayer.

3. The learned counsel for the fourth respondent would submit that the petitioner's representation has been considered and rejected by the fourth respondent society on 08.08.2017. The rejection order has also been communicated to the petitioner.

4. According to the learned counsel for the petitioner, the said order passed by the fourth respondent society was received by the petitioner, only after filing of the writ petition before this Court. However, the learned counsel for the petitioner would submit that the second respondent is the competent authority to pass orders on the representation made by the petitioner. Therefore, the second respondent may be directed to consider the petitioner's representation and pass orders on merits in accordance with law.

5. The learned counsel appearing for the second respondent would fairly submit that the second respondent is a competent authority to consider the petitioner's representation. If any such representation is pending, the same shall be considered in accordance with law.

6. Heard the rival submissions of the parties and perused the material available on record.

7. In the light of the above submissions made by the parties, this Court is inclined direct the second respondent to consider the petitioner's representation dated 10.07.2017. However, the petitioner is also permitted to make a fresh representation to the second respondent society within a period of two weeks from the date of receipt of a copy of this order. The second respondent shall consider the petitioner's representations on merits and in accordance with law, as expeditiously as possible.

8. This writ petition is disposed of, with the aforesaid directions. No costs.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

rkp

To

1. The Registrar (Housing),
Saidapet, Chennai - 600 035.

2. The Tamil Nadu Co-operative Housing Federation,
Rep, by its Registrar,
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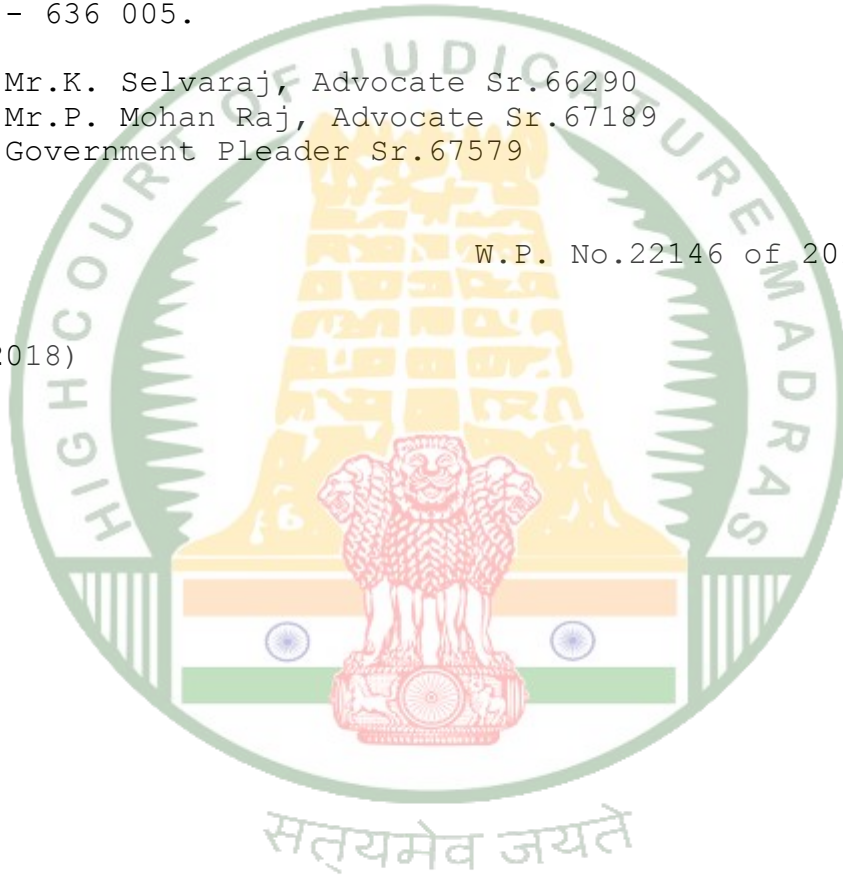
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No.13, Bharathiyar Street,
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+ 1 cc to Mr.K. Selvaraj, Advocate Sr.66290
+ 1 cc to Mr.P. Mohan Raj, Advocate Sr.67189
+ 1 cc to Government Pleader Sr.67579

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