

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.07.2017
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 8408 of 2013
and
M.P. No. 1 of 2013

V. Ravichandran

... Petitioner

Vs.

1. The Secretary,
Chennai City Co-operative
Building Society Ltd.,
No.G-523 No.101, Vellala Street,
Purasawalkam,
Chennai - 84.

2. The Co-operative Sub Registrar,
Chennai City Co-operative
Building Society Ltd.,
No.G-523, Chennai - 84.

.... Respondents

Prayer : This Writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records in connection with the impugned notice issued by the 1st respondent in proceedings Nil Dated 06.03.2013 and quash the same and to pass further orders.

For Petitioner : Mr.S. Sivakumar

For Respondents : Mr.R.S. Anandan for R1

Mr. V. Selvaraj,
Addl. Government Pleader for R2.

O R D E R

The Petitioner has filed the present Writ Petition challenging the impugned demand notice issued by the 1st respondent in proceedings dated 06.03.2013.

2. The learned counsel for the petitioner submitted that the petitioner borrowed a sum of Rs.1,80,000/- from the respondent Society on 02.09.2002. Due to his ill-health the petitioner was unable to repay the loan instalments properly.

Without considering the payments already made by the petitioner and his willingness to settle the dues as One Time Settlement, availing the exemption granted by the Government, the first respondent referred the matter to the 2nd respondent. The 2nd respondent passed a decree ordering the petitioner to pay a sum of Rs.5,02,288.65. Based on the said order, the 1st respondent issued the impugned demand notice dated 06.03.2013 directing the petitioner to pay a sum of Rs.6,27,194.65 on or before 31.03.2013. Aggrieved by the same, the petitioner has filed the present writ petition before this Court.

3. According to the petitioner, he has made a representation on 06.03.2013 stating that he is willing for One Time Settlement as per the scheme announced by the Government. However, he has sought for waiver of interest. The said representation is pending before the respondent society. While so, the impugned demand notice has been issued by the first respondent.

4. The learned Additional Government Pleader would submit that the present writ petition is not maintainable in the light of the Full Bench Judgment of this Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689. He further submitted that the petitioner having an efficacious alternative remedy under Section 135 of the Tamil Nadu Cooperative Societies Rules, 1988 should approach the concerned authority to file an objection or claim instead of approaching this Court. Hence, the writ petition is liable to be dismissed as not maintainable.

5. Considering the above submissions made by the learned counsel for the respondent and the decision cited supra, this court is not inclined to entertain the prayer of the petitioner and hence, the writ petition is dismissed as not maintainable. However, liberty is granted to the petitioner to approach to the respondent society, if so advised.

6. Accordingly, the writ petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

avr

To

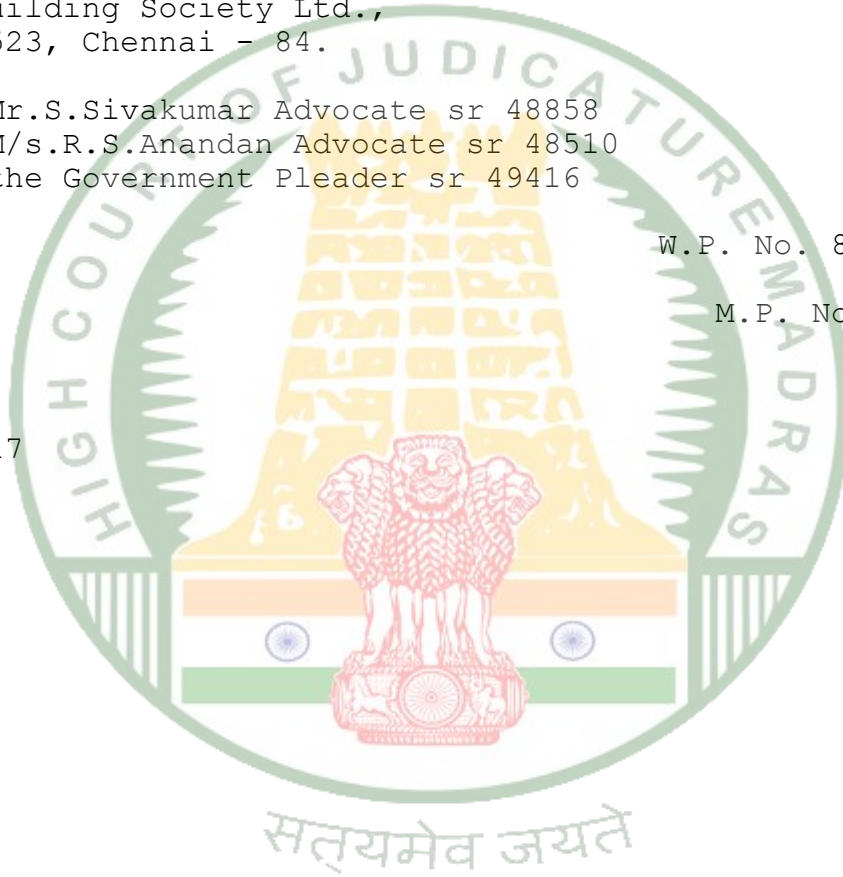
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+1 cc to Mr.S.Sivakumar Advocate sr 48858
+1 cc to M/s.R.S.Anandan Advocate sr 48510
+1 cc to the Government Pleader sr 49416

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