

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.21957/2016 & WMP Nos.18785 & 18786/2016

L.Thaimoon

... Petitioner

-Vs-

- 1.The Registrar of Co-operative Societies,
NVN Maaligai,
No.170, E.V.R.Periyar Salai,
Kilpauk, Chennai-600 010.
 - 2.The Joint Registrar of Co-operative Societies,
Kancheepuram Region,
No.7, Vaanavil Nagar,
Kancheepuram District.
 - 3.The Deputy Registrar of Co-operative Societies,
Kancheepuram Region,
Kancheepuram District.
 - 4.The Secretary,
Maduranthagam Co-operative Building Society
Limited G.1629,
No.50,Hospital Road,
(opp.Hindu High School),
Maduranthagam-603 306,
Kancheepuram District.
- .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the entire records relating to the communication dated 15.06.2016 on the file of the fourth respondent, quash the same and consequently direct the respondents to permit the waive the interest, penal and other charges payable by the petitioner towards the loan account 539 on the file of the fourth respondent so as to enable the petitioner to settle the entire outstanding amount in one lumpsum.

For Petitioner : Mr.P.Ganesan
For R-1 to 3 : Mr.V.Selvaraj, AGP [Coop]
For R-4 : Mr.L.P.Shanmugasundaram, SPL GP

ORDER

The prayer in the writ petition is calling for the entire records relating to the communication dated 15.06.2016 on the file of the fourth respondent, quash the same and consequently direct the respondents to permit the waive the interest, penal and other charges payable by the petitioner towards the loan account 539 on the file of the fourth respondent so as to enable the petitioner to settle the entire outstanding amount in one lumpsum.

2.Heard Mr.P.Ganesan, learned counsel appearing for the petitioner and Mr.V.Selvaraj, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.L.P.Shanmugasundaram, Special Government Pleader who accepts notice on behalf of the fourth respondent.

3.The learned counsel for the petitioner would submit that the petitioner made a representation on 31.05.2016 to the fourth respondent (Maduranthagam Co-operative Building Society Limited) to waive the interest or penal interest as may be, and permit to pay a lumpsum of Rs.1,00,000/- (Rupees One Lakh Only) towards the settlement of loan account and in the said representation order has been passed by the fourth respondent. Challenging the impugned order, the writ petition has been filed for the aforesaid prayer.

4.During the course of arguments, the learned counsel for the petitioner would submit that the petitioner has challenged the communication dated 15.06.2016 and also sought direction to the respondents to waive the interest, penal interest and other charges, under waiver scheme announced by the Government. At this stage, the learned counsel for the petitioner admitted that the petitioner has not approached the fourth respondent in time to avail to the said benefit under the scheme, however, the fourth respondent has ample power to consider the representation of the petitioner for waiver of the interest and penal interest, as granted under the scheme by the Government. Therefore, the learned counsel for the petitioner prays this Court that liberty may be granted to the petitioner to give written representation to the fourth respondent, for clearing the entire loan amount by granting waiver of penal interest.

5. In view of the above statement made by the learned counsel for the petitioner, the learned Additional Government Pleader would submit that if any written representation is submitted by the petitioner, if it is permissible under the guidelines or the norms, the same shall be considered within the reasonable time.

6. Without going into the merits of this case, in view of the submissions of the learned counsel for the parties, liberty is granted to the petitioner to submit written representation stating how much amount the petitioner agreed to pay and the period of time to clear the loan and also the norms or guidelines. The petitioner can also seek the waiver of the penal interest. If any such representation made within two weeks from the date of receipt of a copy of this order, the fourth respondent (Maduranthagam Co-operative Building Society Limited) is directed to consider the same, on merits and in accordance with the rules, norms and guidelines, within a period of eight weeks, thereafter. The learned counsel for the petitioner undertakes that in case, the fourth respondent passes any order, the petitioner shall abide by the order to be passed by the fourth respondent, without questioning the said order before any forum. With the above liberty and direction, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Registrar of Co-operative Societies,
NVN Maaligai,
No.170, E.V.R. Periyar Salai,
Kilpauk, Chennai-600 010.

2. The Joint Registrar of Co-operative Societies,
Kancheepuram Region,
No.7, Vaanavil Nagar,
Kancheepuram District.

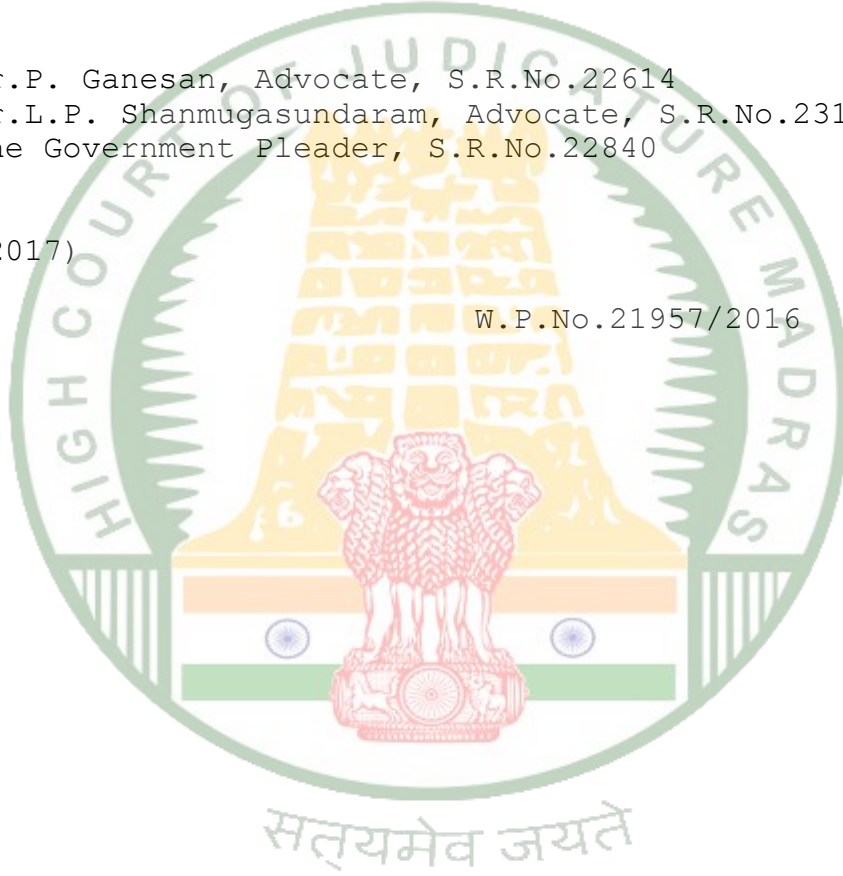
3.The Deputy Registrar of Co-operative Societies,
Kancheepuram Region,
Kancheepuram District.

4.The Secretary,
Maduranthagam Co-operative Building Society
Limited G.1629,
No.50,Hospital Road,
(opp.Hindu High School),
Maduranthagam-603 306, Kancheepuram District.

+1cc to Mr.P. Ganesan, Advocate, S.R.No.22614
+1cc to Mr.L.P. Shanmugasundaram, Advocate, S.R.No.23111
+1cc to the Government Pleader, S.R.No.22840

kgk (CO)
md(21/04/2017)

W.P.No.21957/2016



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