

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 32027 of 2012

and

M.P. No. 1 of 2012 and WMP No.4697 of 2017

V. Ramakrishnan

..Petitioner

Vs.

1.The Registrar
Co-operative Societies Ltd.,
Chennai - 10.

2 The Secretary,
Salem N.G.G.O'S Co-operative
Housing Society Ltd.,
Salem.

..Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.10.2012 consequently forbearing the respondents or their men, agents, servants or anybody from interfering with the peaceful possession and enjoyment of the petitioner's property at Chekkarapatti, Maattukkaranoor (Post) Omalur Taluk, Salem District on the guise of demand/ claim of amount due or in any manner and pass such further orders.

For Petitioner : No Appearance

For Respondents : Mr.V.Selvaraj
Addl. Government Pleader R1
Mr.L.P.Shanmuga Sundram
Spl. Government Pleader R2

O R D E R

The petitioner has filed this writ petition seeking to direct the respondents to consider the petitioner's

representation dated 05.10.2012 and consequently forbear the respondents or their men, agents, servants or anybody from interfering with the peaceful possession and enjoyment of the petitioner's property.

2. Brief facts of the case is as follows :-

The petitioner, while working as a Village Assistant borrowed a housing loan of Rs.82,279/- from the 2nd respondent. Initially the petitioner was paying the instalments properly, but after his retirement from service, he was unable to pay the dues. Whiles, the petitioner received a demand notice, dated 28.07.2012 directing the petitioner to pay a sum of Rs.1,89,884/- on or before 30.09.2012. However, the petitioner could not pay the same within the time fixed by the respondents. Hence, he submitted a representation on 05.10.2012 to the respondents, requesting to grant three months time, to repay the entire loan amount. Since no orders have been passed on his request for extension of time, the petitioner has filed this writ petition.

3. The learned Additional Government Pleader would submit that petitioner has approached this Court, without exhausting the appeal remedy. Hence, in the light of the decision rendered by the large Bench judgment of this Hon'ble Court in the case of K.Marappan v. Deputy Registrar of Cooperative Societies, (2006) 4 MLJ 641, this writ petition is not maintainable and is liable to be dismissed.

4. Considering the submissions and in the light of the decision rendered by the large Bench judgment of this Hon'ble Court in the case of K.Marappan, the writ petition is not maintainable. However, it is open to the petitioner to file an appeal, if so advised, before the respondents.

5. Accordingly, the Writ Petition is dismissed. Consequently, the connected M.Ps are closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

avr

To

1.The Registrar
Co-operative Societies Ltd.,
Chennai - 10.

2 The Secretary,
Salem N.G.G.O'S Co-operative
Housing Society Ltd.,
Salem.

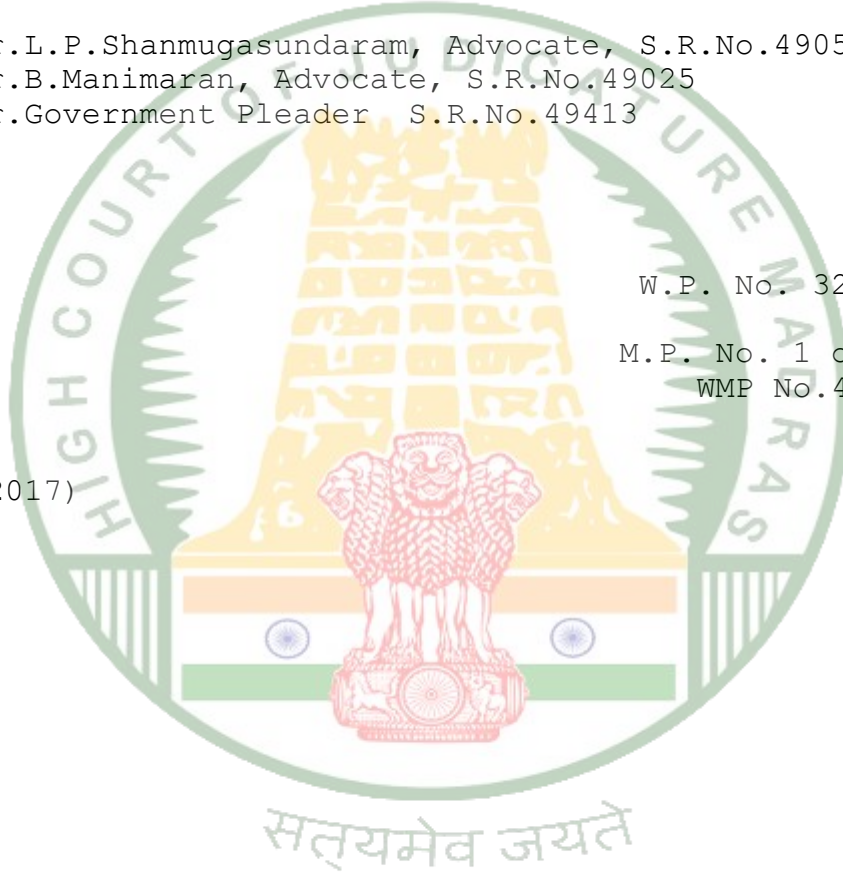
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.49054

+1cc to Mr.B.Manimaran, Advocate, S.R.No.49025

+1cc to Mr.Government Pleader S.R.No.49413

W.P. No. 32027 of 2012
and
M.P. No. 1 of 2012 and
WMP No.4697 of 2017

KGK (CO)
GN (20/09/2017)



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