

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.34432 of 2016 and
WMP.No.29656 of 2016

A.L.Pargunapandi

... Petitioner

Vs.

1. The Managing Director,
Puducherry State Cooperative
Housing Corporation,
Puducherry
2. The Manager,
Mannadipet Commune Coop.
Housing Society Limited,
P-512, Madagadipet & Post,
Via Pallineliyanur,
Pudhcherry.
3. The Sale Officer,
Cooperative Department,
Government of Puducherry,
Puducherry.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents, particularly the second respondent to come forward for settlement either in one time settlement or instalment basis after excluding the penal interests and other penal charges and also adjusting the payments so far made towards the loan account vide LIC-48 and MTC-10.

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.B.Nambiselvan,
Additional Government Pleader,
Pondy for R1 & 3

: Mr.L.Swaminathan for R2

O R D E R

According to the learned counsel for the petitioner, the petitioner availed a loan for a sum of Rs.2,54,200/- from the second respondent in two instalments on 03.06.1999 and 22.06.2000 respectively. Since the petitioner defaulted in payments, the second respondent is taking serious steps to sell the petitioner's property for the clearance of the said loan. The petitioner filed a writ petition in WP.No.46638/2006 and as per the order of this Court dated 30.11.2006, the petitioner paid the total principal amount of Rs.2,54,200/- and requested the second respondent to quantify the balance amount. But the petitioner has not received any reply. Further, the second respondent is charging penal interest apart from the regular interest. Hence, the petitioner has filed this writ petition before this Court.

2. It is seen from the records that the petitioner has not made any representation to the second respondent requesting to consider for 'One Time Settlement' as stated in the affidavit filed by the second respondent society. The learned counsel for the petitioner is also not in a position to place a copy of the said representation made to the second respondent society. Further in view of the full bench judgment made in K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689, the writ petition is not maintainable against the second respondent society and the same is liable to be dismissed.

3. In the light of the above said facts and the decision cited supra, the writ petition is not maintainable and the same is dismissed.

4. However, it is open to the petitioner, if so advised, to approach the appropriate authority concerned. Consequently, the connected miscellaneous petition is closed. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Managing Director,
Puducherry State Cooperative
Housing Corporation,
Puducherry

2. The Manager,
Mannadipet Commune Coop.
Housing Society Limited,
P-512, Madagadipet & Post,
Via Pallineliyanur,
Pudhcherry.

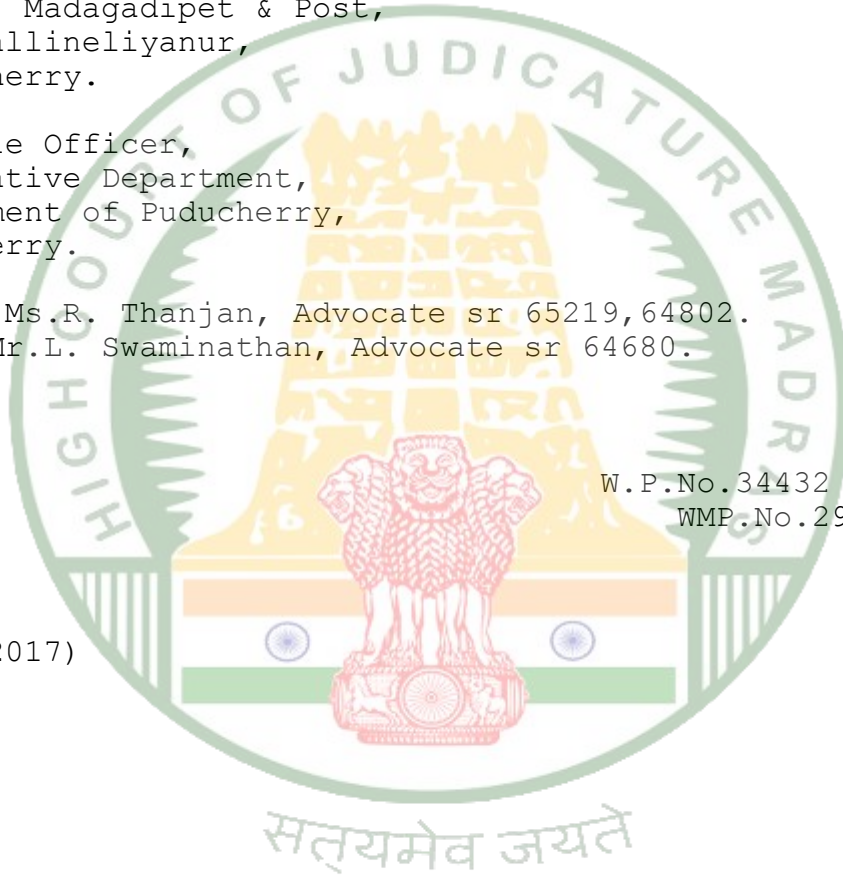
3. The Sale Officer,
Cooperative Department,
Government of Puducherry,
Puducherry.

+2 Ccs to Ms.R. Thanjan, Advocate sr 65219,64802.

+1 CC to Mr.L. Swaminathan, Advocate sr 64680.

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AK(CO)
sp(03/10/2017)



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