

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14356 of 2004

S.A.Manickam @ Arulananda Udaiyar .. Petitioner

Vs.

The Special Officer,
DR(L) RMD-5 Co.op. Land Development Bank Ltd.,
Kalayarkoil,
Sivagangai District. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari to call for all the records relating to the Notice dated 02.12.2003 and the consequential letter dated 02.01.2004 both on the file of the respondent and quash the same.

For Petitioner : Mr.E.Durai Vaiyapuri
for M/s.S.Doraisamy

For Respondent : Mr.K.Dhanasekharan

ORDER

The petitioner has come forward with this Writ Petition challenging the notice dated 02.12.2003 and the consequential letter dated 02.01.2004 on the file of the respondent.

2. The petitioner being an agriculturist, availed loan amount of Rs.9,900/- which was sanctioned to him on immovable property being mortgaged. The loan was sanctioned stating that the amount shall be repaid with interest @ 16.5% per annum in instalments and in default of payment of any one of the instalments, the respondent would be at liberty to bring the property for sale in public auction. According to the petitioner, he has paid the entire amount and that no amount is due to the respondent. The petitioner has also stated that he has no other effective alternative remedy, but to approach this

Court by way of this Writ Petition.

3. Learned counsel for the respondent submitted that Writ against a Co-operative Society is not maintainable and the petitioner has got an alternative remedy and hence, the Writ Petition has to be dismissed on that sole ground.

4. Though I find much force in the contention of the learned counsel for the respondent, the Writ Petition has been admitted as early as in 2004 and dismissing the Writ Petition on the ground of availing alternative remedy, is not going to yield any fruit or result to the petitioner. It is submitted that the entire amount has been paid by the petitioner. In the event of any non-payment of any of the loan amount sanctioned and paid by the respondent to the petitioner, it is open for the respondent to recover the same in accordance with law.

5. With the above observations, no further orders are required to be passed in this Writ Petition, which is accordingly closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cs

Copy to

The Special Officer,
DR(L) RMD-5 Co.op. Land Development Bank Ltd.,
Kalayarkoil,
Sivagangai District.

+1cc to Mr.S.Doraisamy& Elangovan, Advocate SR.No.48228

GN(03/08/2017)

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