

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.4378 of 2018
and
WMP.No.5374 of 2018

R.Tamilarasan
S/o.Late Ramasamy

.. Petitioner

versus

1.The Registrar of the District
(Housing), Salem Region
Salem.

2.The Deputy Registrar of Cooperative
Societies (Housing)
Salem Region, Salem.

3.The Secretary
Rasipuram Co-operative Housing Society Ltd.,
No.10, Sivan Kovil Street,
Rasipuram, Namakkal District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second and third respondents to consider the petitioner's representation dated 19.02.2018 and to pass appropriate orders on merits and accordance with law.

For Petitioner: Mr.A.Esakkiappan

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the second and third respondents to consider his representation dated 19.02.2018, wherein and whereby, he sought for waiving of interest on the loan amount.

3. It seems that the petitioner has suffered a decree in No.3501/2004-2005. According to the petitioner, the demand made on 03.07.2015, was only for a sum of Rs.6,61,820/-, whereas subsequent demand made on 08.01.2018 was for a sum of Rs.13,01,049/-, which according to the petitioner is with exorbitant interest.

4. This Court, at this stage, is not inclined to express any view on the merits of the claim made by the petitioner, as it is for the second and third respondents to consider and decide the representation made by the petitioner for waiving of the interest. However, since the petitioner has already suffered a decree, the said representation cannot be directed to be disposed of, without imposing any condition on the petitioner. Thus, this writ petition is disposed of, as follows:

(a) The petitioner shall pay a sum of Rs.4 Lakhs to the third respondent within a period of three weeks from the date of receipt of a copy of this order.

(b) On receipt of such payment, the respondents 2 and 3 shall consider the request of the petitioner made through the representation dated 19.02.2018 and pass orders on the same on merits and in accordance with law, within a period of four weeks thereafter.

(c) If the above said amount is not paid by the petitioner within the time stipulated, the respondents 2 and 3 need not consider the representation of the petitioner, as directed supra.

(d) Till an order is passed by the respondents 2 and 3, provided, the petitioner also complies with the above condition, the respondents are directed not to take any coercive steps against the petitioner.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar(J)

//True Copy//

WEB COPY Sub Assistant Registrar

To

1.The Registrar of the District
(Housing), Salem Region
Salem.

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Societies (Housing)
Salem Region, Salem.

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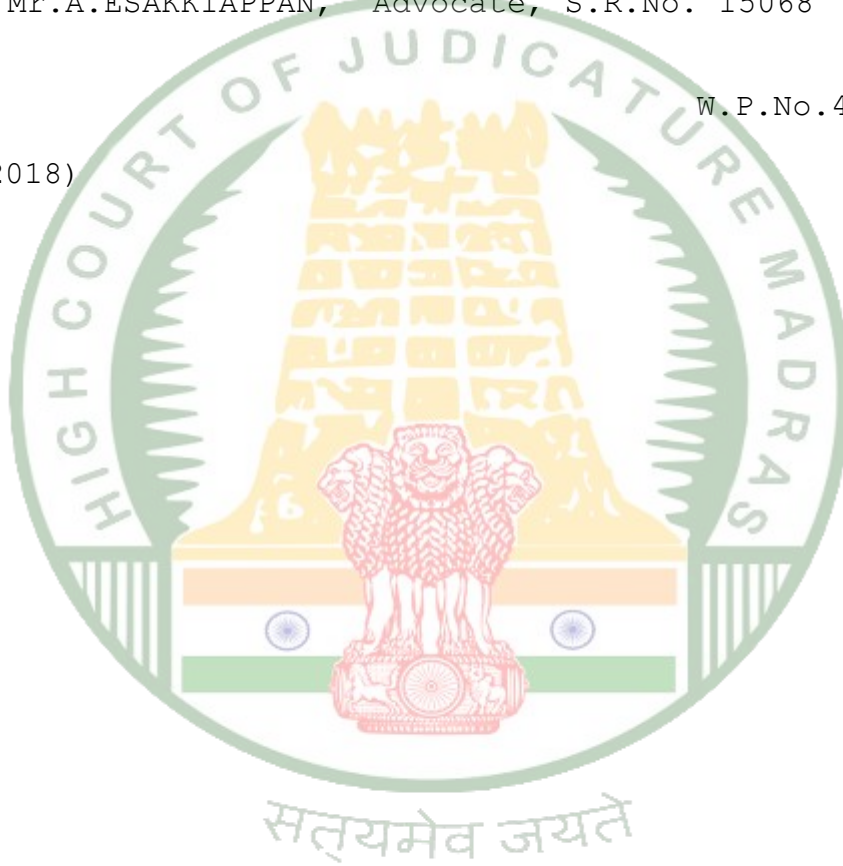
+1cc to the Government Pleader, S.R.No. 15911

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No. 15173

+1cc to Mr.A.ESAKKIAPPAN, Advocate, S.R.No. 15068

W.P.No.4378 of 2018

TR(14/03/2018)



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