

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.8639 of 2019

D.Mahalakshmi ... Petitioner

Vs.

1.The Co-operative Sub Registrar /
Executive Officer,
Pudupet Co-operative Society Ltd.,
No.4952,
No.15, Thulasingham Street,
Pudupet, Chennai - 600 002.

2.The Secretary,
Pudupet Co-operative Society Ltd.,
No.4952,
No.15, Thulasingham Street,
Pudupet, Chennai - 600 002. ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorari to call for the records of the respondents dated 01.03.2019 No. Nil (received on 08.03.2019) and quash the same and consequently breathing time may be granted for paying the loan amount vide Loan No.HML/2440 on the file of the respondents.

For Petitioner : Mr.Saravanakumar

For Respondents : Ms.T.Girija
Government Advocate for R1

Mr.L.P.Shanmugasundaram
Special Government Pleader for R2

O R D E R

Ms.T.Girija, learned Government Advocate takes notice for the first respondent; Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the second respondent. By

consent, this Writ Petition is taken up for final disposal.

2. According to the petitioner, she borrowed a loan of Rs.5,00,000/- from the respondent-Society for the purpose of renovation of her house, by mortgaging her property. Due to family circumstances, the petitioner is not in a position to pay the loan amount. Hence, the petitioner made an application on 15.03.2019 to the respondents, requesting waiver of interest or fixation of reasonable interest. Since there was no response, the petitioner is before this Court.

3. The learned Government Advocate appearing for the respondents would submit that if the petitioner agrees to pay the reasonable amount to the respondent-Society, the petitioner's application will be considered on merits and in accordance with law.

4. In reply, the learned counsel for the petitioner would submit that the petitioner is a widow and having two female children and prays for breathing time to pay the loan amount.

5. In view of the above submissions and by consent of both the parties, this Court passes the following order:-

(i) The petitioner shall deposit a sum of Rs.5,00,000/- to the respondent-Society within a period of twelve weeks from the date of receipt of a copy of this order;

(ii) The aforesaid sum of Rs.5,00,000/- shall be paid by the petitioner in two installments and in the first installment, the petitioner shall pay a sum of Rs.2,50,000/- [Rupees Two Lakhs and Fifty Thousand only] to the respondent-Society on or before 3rd May 2019 and the balance sum of Rs.2,50,000/- [Rupees Two Lakhs and Fifty Thousand only] shall be paid by the petitioner on or before 14th June 2019.

(iii) On receipt of such payment, the respondent-Society is directed to consider the representation of the petitioner dated 15.03.2019, and pass orders on merits and in accordance with law, as expeditiously as possible.

(iv) In any default on such payment, it is open to the respondents to proceed in accordance with law.

6. With the above directions, this Writ Petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Co-operative Sub Registrar /
Executive Officer,
Pudupet Co-operative Society Ltd.,
No.4952,
No.15, Thulasingham Street,
Pudupet, Chennai - 600 002.

2.The Secretary,
Pudupet Co-operative Society Ltd.,
No.4952,
No.15, Thulasingham Street,
Pudupet, Chennai - 600 002.

+lcc to Government Pleader sr.no.29824

+lcc to Mr.L.P.Shanmugasundaram, Advocate sr.no.29418

+lcc to Mr.Saravanakumar, Advocate sr.no.29311

सत्यमेव जयते

W.P.No.8639 of 2019

nr 29/03/2019

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