

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 08.01.2019  
CORAM  
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN  
W.P. 24237 of 2018  
and  
W.M.P. 28242 of 2018

The Secretary,  
SLM.HSG 75, Dharapuram Taluk  
Cooperative Housing Society,  
No.8, Anna Nagar,  
Dharapuram-638 656.  
Tiruppur Dt.

... Petitioner

Vs

1. The Secretary to Government,  
Housing and Urban Development  
Department,  
Secretariat,  
Chennai.
2. The Managing Director,  
Tamil Nadu Cooperative  
Housing Federation Ltd.,  
Vepery, Chennai-7.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to reimburse Rs.1,11,54,605.93, the waived amount towards the Housing Loans availed by the members of the petitioner society, with interest, penal interest, incidental charges etc. as charged/chargeable by the 2<sup>nd</sup> respondent from the date of due and until reimburse, by fixing a reasonable time.

For Petitioner : Mr.K.Kadarkarai  
For Respondents : Mr.L.P.Shanmugasundaram,  
Special Government Pleader  
for R1  
Mr.Kanmani Annamalai for R2

O R D E R

This Writ Petition has been filed seeking for a direction directing the 1<sup>st</sup> respondent Secretary to Government, Housing and Urban Development to reimburse the housing loan amount waived by

the Government under various Government Orders.

2. The grievance of the petitioner is that the petitioner has received funds from the 2<sup>nd</sup> respondent Housing Federation, and in turn, advanced housing loans to the members of the society. The Government on earlier occasion, has waived the loan, interest and penal interest by various Government Orders, and in pursuant to the Government Orders, the society also waived the interest to the members, who have received the loan. Thereafter, the Government did not reimburse the amount waived by the society. Hence, the petitioner has made several representations to the Government to reimburse the waived amount towards housing loans, but, the same was not considered. Hence, the present Writ Petition has been filed by the petitioner.

3. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, Mr.Kanmani Annamalai, learned counsel appearing for the 2<sup>nd</sup> respondent submitted that the 2<sup>nd</sup> respondent has advanced loans to the petitioner society, but the society is yet to repay the loan amount to the 2<sup>nd</sup> respondent. Without repaying the loan received from the 2<sup>nd</sup> respondent, the petitioner cannot be entitled for any reimbursement from the Government.

4. Considering the above circumstances, without going into the merits of the case, as the representation of the petitioner is still pending with the 1<sup>st</sup> respondent, the 1<sup>st</sup> respondent is directed to consider the petitioner's representation dated 07.07.2018 and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner as well as to the 2<sup>nd</sup> respondent within a period of twelve weeks from the date of receipt of the copy of this order.

5. In the result, the Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,  
Housing and Urban Development  
Department,  
Secretariat,  
Chennai.

2. The Managing Director,  
Tamil Nadu Cooperative  
Housing Federation Ltd.,  
Vepery, Chennai-7.

+1cc to Mr.S.Kanmani Annamalai, Advocate, S.R.No.1964

W.P. 24237 of 2018  
and  
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CA (CO)  
GSP (28/02/2019)



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