

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10/3/2021

C O R A M

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WRIT PETITION NO.6026 OF 2021

A N D

W.M.P.NO.6678 OF 2021

1. A.Vijaya
 2. A.Tamilvanan
- .. Petitioners

Vs

1. The Secretary
Housing & Urban Development Department
Secretariat, Fort St. George
Chennai 6000 009
 2. The Registrar of Co-operative Societies (Housing)
TNHB Complex
No.493 Anna Salai, Nandanam
Chennai 600 035.
 3. The Managing Director
Tamil Nadu Cooperative Housing Federation
46 Ritherden Road
Vepery, Chennai 600 007.
 4. The Deputy Registrar of Co-operative
Societies (Housing)
Ramasamy Street, North Coimbatore
Chinthamani Campus, R.S.Puram
Coimbaore 641 002.
 5. The Co-operative Sub-Registrar/
Superintendent
Office of the Deputy Registrar (Housing)
Ramasamy Street, North Coimbatore
Chinthamani Campus, R.S.Puram
Coimbaore 641 002.
 6. The Secretary
Udumalpet Cooperative Housing Society Ltd
Post Box No.37, 229 S.V.S.Building I Floor
R.K.R.Road, Udumalpet 642 126
Tiruppur District.
- ... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the sixth respondent to waive interest for defaulted instalment and penalty for defaulted instalment in respect of loan No.2378 as per G.O.Ms.No.40 dated 16/3/2015, Housing and Urban Development Department, and instructions of Government of India and Reserve Bank of India on interest waiver and moratorium during COVID 19 pandemic period.

For petitioner ... Mr.S.Pushpakaran

For respondents ... Mr.Bala Ramesh
Special Government Pleader

ORDER

This writ petition has been filed praying to direct the sixth respondent to waive interest for defaulted instalment and penalty for defaulted instalment in respect of loan No.2378, as per G.O.Ms.No.40, dated 16/3/2015, Housing and Urban Development Department, and instructions of Government of India and Reserve Bank of India on interest waiver and moratorium during COVID 19 pandemic period.

2. The petitioners are the members of the sixth respondent Cooperative Housing Society. The first petitioner availed mortgage loan of Rs.3,00,000/- from the sixth respondent, on 18/6/2013. The term loan is for a period of seven years and the first petitioner has also paid the term loan regularly and paid Rs.2,56,000/-. Sixth respondent has issued a notice for default demanding penalty, interest and other miscellaneous charges against the term of loan agreement. While so, the first respondent has issued G.O.Ms.No.40, dated 16/3/2015, ordering for waiver of interest, for defaulted instalments and penalty for defaulted instalments. In the mean time, the petitioners have also issued with the legal notices and initiated arbitration proceedings, in A.R.C.No.208 of 2019, before the fifth respondent. Being aggrieved, the petitioners have filed this writ petition praying for the relief as stated therein.

3. Mr.Rabu Manohar, learned Special Government Pleader takes notice for the respondents and would submit that G.O.Ms.No.40, dated 16/3/2015, is for a stipulated period and these petitioners cannot avail the benefit of G.O.

4. This Court paid its anxious consideration to the rival submissions made on either side.

5. The case of the petitioner is that the first petitioner has availed the term loan of Rs.3 lakhs and has paid Rs.2,57,000/- and some waiver of interest and penalty has been provided to other borrowers by the Government, vide G.O.Ms.No.40, dated 16/3/2015. During such time, these petitioners were agitating the issue by arbitration proceedings and therefore, they have not availed the benefit of G.O.

6. This Court, without expressing anything on the merits of the writ petition, dispose of this writ petition, with a direction to the petitioners, to make a fresh representation, along with G.O.Ms.No.40, dated 16/3/2015, within a period of two weeks, from the date of receipt of a copy of this order. If any such request is made, the respondents shall consider the case of the petitioners, within a period of six weeks, from the date of receipt of the representation to be submitted by the petitioners. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Secretary
Housing & Urban Development Department
Secretariat, Fort St. George
Chennai 6000 009
2. The Registrar of Co-operative Societies (Housing)
TNHB Complex, No.493 Anna Salai, Nandanam
Chennai 600 035.
3. The Managing Director
Tamil Nadu Cooperative Housing Federation
46 Ritherden Road, Vepery
Chennai 600 007.
4. The Deputy Registrar of Co-operative
Societies (Housing)
Ramasamy Street, North Coimbatore
Chinthamani Campus, R.S.Puram
Coimbatore 641 002.

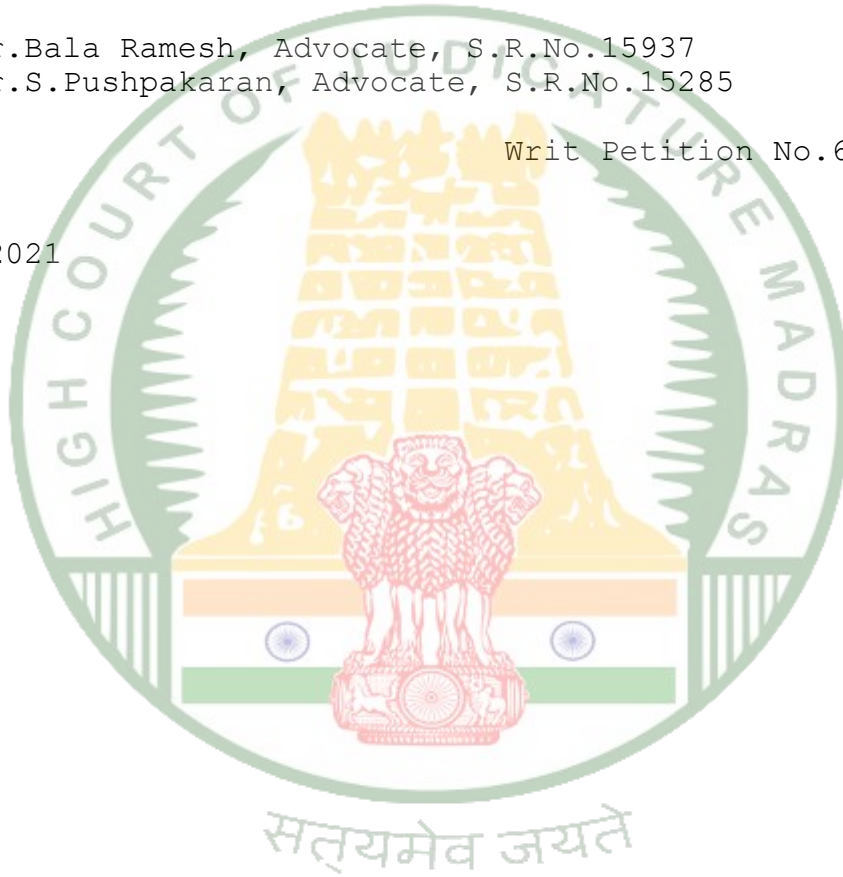
5. The Co-operative Sub-Registrar/
Superintendent
Office of the Deputy Registrar (Housing)
Ramasamy Street, North Coimbatore
Chinthamani Campus, R.S.Puram
Coimbatore 641 002.
6. The Secretary
Udumalpet Cooperative Housing Society Ltd
Post Box No.37, 229 S.V.S.Building I Floor
R.K.R.Road, Udumalpet 642 126
Tiruppur District.

+1cc to Mr.Bala Ramesh, Advocate, S.R.No.15937

+1cc to Mr.S.Pushpakaran, Advocate, S.R.No.15285

Writ Petition No.6026 of 2021

PMK (CO)
CS/29/03/2021



WEB COPY