



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13300 of 2021

N.Elangovan

... Petitioner

Vs.

1.The Secretary to Government,
Tamil Nadu Government Co-operative Department,
Secretariat, Chennai.

2.The Joint Secretary to Government,
Tamil Nadu Government Co-operative Department,
Secretariat, Chennai.

3.The Registrar General of Co-operative Societies,
The office of Registrar of Co-operative Societies,
Chennai.

4.The District Registrar (Housing),
Co-operative Housing Society,
K.K.Nagar, Madurai.

5.The Secretary,
Chinnalapatti Co-operative Housing Society,
Chinnaapatti, Aathur Taluk,
Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, by directing the respondents 1 and 2 to consider the petitioner's grievance in connection with loan account Nos.341 and 561 and permit the petitioner to pay final settlement amount of Rs.1,50,000/- without penalty and cumulative interest in the light of the petitioner's representation dated 15.12.2020 within time stipulated by this Court.

For Petitioner

: Mr.D.Durai Solaimalai

For Respondents 1 to 3

: Mr.R.Baskaran
learned counsel for State



ORDER

The petitioner seeks a mandamus in respect of two loans that were availed by the petitioner from the fifth respondent Co-operative Housing Society.

WEB COPY 2. The petitioner states that two loans were availed under Loan Account Nos.341 and 561. It is stated that the petitioner has paid much more than the principal amount availed of in respect of each of the loans.

3. The petitioner states that a representation was made both to the fifth respondent and to respondents 1 and 2 to waive interest and penalty in respect of the aforesaid loan accounts. In view of the refusal to respond to such representation, the petitioner has approached this Court.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He states that the present Writ Petition is not maintainable in as much as it pertains to a contractual loan transaction as between the petitioner and fifth respondent.

5. A mandamus can be issued if a statutory authority fails to perform a statutory obligation in spite of being called upon to do so. In the case at hand, the petitioner seeks waiver of interest and penalty in respect of individual loans extended by the first respondent herein. Needless to say, the discharge of liability under such loans would depend on the terms and conditions specified in the relevant loan agreements. Any interference by the first and second respondents would only be in respect of policy decisions pertaining to a particular class of borrowers, which would apply to the entire class in a nondiscriminatory manner and not to individual cases, such as the petitioner's.

6. Accordingly, W.P.(MD).No.13300 of 2021 is devoid of merit. Nevertheless, it is open to the first and second respondents to consider the petitioner's representation and take a policy decision on such basis in respect of the entire class of borrowers if it is deemed fit. W.P.(MD).No.13300 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



WEB COPY

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to Government,
Tamil Nadu Government Co-operative Department,
Secretariat, Chennai.
- 2.The Joint Secretary to Government,
Tamil Nadu Government Co-operative Department,
Secretariat, Chennai.
- 3.The Registrar General of Co-operative Societies,
The office of Registrar of Co-operative Societies,
Chennai.

+1 CC to M/s.GP (SR-25172[F] dated 04/08/2021)

W.P. (MD) .No.13300 of 2021

Dated :

03.08.2021

MGJ(10.08.2021) 3P 5C