



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.27310 of 2017
and
W.M.P.No.39744 of 2018

R.Anbalagan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and urban Development Department,
Fort. St. George,
Chennai - 600 009.

2.The Registrar,
Co-Operative Societies,
Housing and Urban Development Department,
Nandanam,
Chennai - 600 035.

3.The Deputy Registrar (CHS),
Gandhi Nagar,
Vellore - 632 001.

4.The Secretary,
Dharmapuri NGGO's and Self Employees
Co-Operative House Building Society Ltd,
K.K.345, No.4/560, Railway Station Road,
Dharmapuri - 636 701.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to waive the penal interest and the interest on the belated payment as per the Govt.Order in G.O.(Ms.) No.40 dated 16.03.2015.



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For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

O R D E R

The petitioner has come out with the present Writ Petition for a direction to the respondents to waive the interest and penal interest for the belated payment, as per G.O.(Ms.) No.40 dated 16.03.2015.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the entire materials on record.

3.According to the petitioner, he availed housing loan of Rs.2,25,000/- from the 4th respondent on 06.09.2000. As per the agreement, he has to repay the amount in 180 months at the monthly installment of Rs.3,384/-. The petitioner has committed default in payment of monthly installments. When a borrower commits default in payment of installment, the 4th respondent is entitled to charge penal interest. The 1st respondent has passed Government Orders in G.O.(Ms.) No.4 (Housing and Urban Development Department) dated 14.01.2015 and G.O.(Ms.) No.40 dated 16.03.2015, for waiving the penal interest. According to the petitioner, when the 4th respondent, by the letter dated 14.06.2013, informed about waiver of interest, he was not in a position to pay the amount due to personal commitments. Subsequently, the petitioner retired from service on 31.12.2014. His retirement benefits were not disbursed to the petitioner due to the letter written by the 4th respondent, informing his employer about the amounts due to the 4th respondent. Only as per the order of this Court dated 07.10.2016 made in W.P.No.320 of 2015, the DCRG was disbursed to the petitioner on December 2016. According to petitioner, the 4th respondent failed to inform the petitioner about subsequent orders with regard to waiver of penal interest. Hence, the petitioner has given a representation dated 12.04.2017 to the Chief Minister's Grievance cell and also to the 3rd respondent dated 09.08.2017 and requested to waive the penal interest as per G.O.(Ms.) No.40 dated 16.03.2015.

4.The learned Additional Government Pleader appearing for the respondents submitted that already an award has been passed on 29.07.2006, directing the petitioner to pay a sum of Rs.4,21,829.45/- with interest at the rate of 12.5%.



5. Though the petitioner sought for larger relief, at the time of hearing the matter, the learned counsel appearing for the petitioner restricted his arguments and submitted that a direction may be issued to the respondents to consider the representation of the petitioner and pass orders on merits.

6. Considering the above submissions, without deciding the issue on merits, the petitioner is directed to give a fresh representation to the respondents 3 & 4 within a period of two weeks from the date of receipt of a copy of this order and on receiving the representation, the respondents 3 & 4 are directed to consider the same and pass orders on merits and in accordance with law, within a period of four weeks thereafter.

7. With the above directions, the Writ Petition is disposed of. Consequently the connected Miscellaneous Petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and urban Development Department,
Fort. St. George,
Chennai - 600 009.

2. The Registrar,
Co-Operative Societies,
Housing and Urban Development Department,
Nandanam,
Chennai - 600 035.

3. The Deputy Registrar (CHS),
Gandhi Nagar,
Vellore - 632 001.



4.The Secretary,

Dharmapuri Nggo's and Self Employees

Co-Operative House Building Society Ltd,

K.K.345, No.4/560, Railway Station Road,

Dharmapuri - 636 701.

+lcc to Mr.S.Sadasharam, Advocate Sr.20236

+lcc to the Government Pleader Sr.20654

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srg 13/04/2022