



W.P(MD)No.6724 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6724 of 2015

R.Thanalakshmi

... Petitioner

Vs.

1.The Registrar,
Tamil Nadu Co-operative Housing Societies,
No.48, Ritherson Road,
Vepperi, Chennai-7.

2.The Deputy Registrar,
Tamil Nadu Co-operative Housing Societies,
No.481, K.K.Nagar, Madurai.

3.The Secretary,
MDA-HSG 116, Bodinayakanur Taluk
Co-operative Housing Societies Limited,
S.S.Puram,
Theni Main Road,
Bodinayakanur-625 513.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent herein to consider the petitioner's representation dated 01.04.2015 on merits and in accordance with law within the time limit as fixed by this Court.



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For Petitioner	: Mr.M.Karuppasamy Pandian for Mr.K.Neelamegam
For R1 & R2	: No Appearance
For R3	: Mr.P.Thilak Kumar Government Pleader for Mr.M.Ramesh Government Advocate

ORDER

The present writ petition has been filed for a writ of Mandamus directing the third respondent herein to consider the representation of the petitioner, dated 01.04.2015 to waive the interest and the penal interest for the loan borrowed by the petitioner's husband.

2. According to the learned counsel for the petitioner, the petitioner's husband has borrowed a housing loan. He has met with an accident and he has become immobile. In view of the above said reasons, she has sent a representation to the respondents, seeking waiver of the interest as well as the penal interest arising out of the said housing loan. Since the said request was not considered, the present writ petition has been filed.

3. Per contra, the learned counsel for the third respondent herein has contended that only if a Government scheme provides for waiver of



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interest and penal interest, they could confer the said benefit upon the writ petitioner. Unless such a scheme is forthcoming, the petitioner would not have any legal right, whatsoever to demand waiver of interest and penal interest.

4. Considering the above said circumstances, this Court is of the view that the petitioner's husband has borrowed a loan after accepting the conditions relating to interest and penal interest. Unless the Government or the third respondent herein has initiated some schemes for waiver of the interest and penal interest, the petitioner or her husband will not have any legal right to insist upon the third respondent society to waive the interest and penal interest. Since no legal right is involved, the question of issuing mandamus does not arise. However, the third respondent is at liberty to consider the request of the writ petitioner.

5. With the above said observations, this Writ Petition stands closed. No costs.

03.08.2022

Index : Yes / No
Internet : Yes / No
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To

The Secretary,
MDA-HSG 116, Bodinayakanur Taluk
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R.VIJAYAKUMAR ,J.



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W.P(MD)No.6724 of 2015

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