



W.P. No.3808 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 10.02.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.3808 of 2023

G.Elumalairaj

... Petitioner

VS.

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.
- 2.The Registrar of Co-operative Societies (Housing),
Tamil Nadu Co-operative Society Ltd.,
No.22, 4th Main Road,
Gandhi Nagar,
Adayar, Chennai – 600 020.
- 3.The Managing Director/
Additional Registrar,
Tamil Nadu Co-operative Society Ltd.,
Post Box No.486,
No.48, Ritherdon Salai,
Vepery, Chennai – 600 007.
- 4.The Deputy Registrar of
Co-operative Societies (Housing),
No.15, West Main Road,
Gandhi Nagar,
Vellore District – 632 006.



W.P. No.3808 of 2023

5. Tiruvannamalai Co-operative
Housing Society Ltd.,
rep. by its Secretary,
H.H.214, No.210, Big Street,
Tiruvannamalai – 606 601.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th and 5th respondents to consider the petitioner's representation dated 09.08.2022, close the housing loan and release the mortgage deed, within a time stipulated by this Court.

For petitioner : Mr.S.Hari Prasad

For respondents : Mr.S.Ravi Kumar,
Special Government Pleader
for R1 to R4

Mr.K.Surendran,
Additional Government Pleader
for R5

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.This writ petition has been filed seeking for a direction to the respondents 4 and 5 to close the housing loan, availed by the petitioner and release the mortgage deed, based on the petitioner's representation dated 09.08.2022, within a time frame to be fixed by this Court.

3.The petitioner has availed a housing loan from the fifth



W.P. No.3808 of 2023

respondent Society. According to him, if G.O. Ms. No.40, passed by the Housing and Urban Development Department dated 16.03.2015 is applied, the housing loan would have been discharged by now. The petitioner has given a representation on 09.08.2022 to the respondents 4 and 5 to apply G.O. Ms. No.40, passed by the Housing and Urban Development Department dated 16.03.2015 in his favour and discharge the loan availed by him. Since the representation has not been considered till date, he has filed this writ petition.

4.Heard Mr.S.Hari Prasad, learned counsel for the petitioner, Mr.S.Ravi Kumar, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.K.Surendran, learned Additional Government Pleader, who accepts notice on behalf of the fifth respondent.

5.No prejudice would be caused to the respondents if the petitioner's representation as stated supra is considered, on merits and in accordance with law, within a time frame to be fixed by this Court.

6.The petitioner claims that if G.O. Ms. No.40, passed by the



W.P. No.3808 of 2023

Housing and Urban Development Department dated 16.03.2015 is applied in his favour, the respondents ought to have discharged his housing loan. It is for the respondents to decide as to whether the contentions of the petitioner are correct or not.

7.For the foregoing reasons, this Court directs the respondents 4 and 5 to pass final orders, on merits and in accordance with law on the petitioner's representation dated 09.08.2022 seeking for closure of the housing loan and for release of the mortgage deed, after giving due consideration to the G.O. Ms. No.40, passed by the Housing and Urban Development Department dated 16.03.2015, within a period of eight weeks from the date of receipt of a copy of this order.

8.With the above direction, this writ petition stands disposed of.

No costs.

10.02.2023

vga
Index: Yes/No

To



W.P. No.3808 of 2023

WEB COPY

1. The Government of Tamil Nadu,
rep. by its Secretary,
Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.
2. The Registrar of Co-operative Societies (Housing),
Tamil Nadu Co-operative Society Ltd.,
No.22, 4th Main Road,
Gandhi Nagar,
Adayar, Chennai – 600 020.
3. The Managing Director/
Additional Registrar,
Tamil Nadu Co-operative Society Ltd.,
Post Box No.486,
No.48, Ritherdon Salai,
Vepery, Chennai – 600 007.
4. The Deputy Registrar of
Co-operative Societies (Housing),
No.15, West Main Road,
Gandhi Nagar,
Vellore District – 632 006.



WEB COPY



W.P. No.3808 of 2023

ABDUL QUDDHOSE, J.

vga

W.P. No.3808 of 2023

10.02.2023