



W.P(MD)No.10456 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10456 of 2015

and

M.P.(MD)No.1 of 2015

and

W.M.P.(MD)Nos.6142 & 6143 of 2018

T.John Peter

... Petitioner

Vs.

- 1.The Deputy Registrar,
Co-operative Society (Housing) Ltd.,
Tirunelveli Region,
Tirunelveli.
- 2.The Secretary,
Co-operative Housing Board,
Society, Colachel,
Kanyakumari District.
- 3.The Co-operative Sub Registrar Sale Officer,
Co-operative Housing Board Society,
Colachel,
Kanyakumari District.

(R3 is impleaded vide order dated 27.03.2018)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the 1st respondent in Na.Ka.No.231/2015/E1



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dated 02.06.2105 and quash the same and consequently, direct the respondent to number the dispute petition dated 19.01.2015 under section 90 of Tamil Nadu co-operative Societies Act and dispose the same on merits, within reasonable time affording opportunity of hearing the petitioner.

For Petitioner : Mr.R.Mohanasundaram

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader for R1

: no appearance for R2

ORDER

Heard the learned counsel on either side.

2. The petitioner was a member of the third respondent society. The petitioner applied for housing loan. Only a part of the sanctioned loan was disbursed. The balance amount could not be paid to the petitioner. That was because the housing federation withheld the supply of funds. The society has now called upon the petitioner to pay the borrowed amount with interest. No exception can be taken to the said demand. The society has only called upon the petitioner to repay what was borrowed from it. No legal grounds have been made out for interference.



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3. The learned counsel for the petitioner states that by way of complying with the condition imposed by this Court, the petitioner had paid a sum of Rs.1,00,000/- to the society. The said submission is recorded.

4. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

30.08.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

The Deputy Registrar,
Co-operative Society (Housing) Ltd.,
Tirunelveli Region,
Tirunelveli.



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G.R.SWAMINATHAN, J.

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