



W.P(MD)No.21308 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21308 of 2023 and
WMP(MD) No. 17716 of 2023

K.Sampathkumar

... 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 Deputy Registrar of Co-operative Societies (Housing),
16/1, Sammathu School Street,
Khaja Nagar,
Mannapuram, Trichy.
- 4.The secretary,
R.1251-Srirangam Co-operative Housing Society,
82-A Ammamandapam Road,
Srirangam,
Tiruchirappalli – 620 006.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 & 4 to cancel the entire interest amount from the loan borrowed by petitioner's father from the fourth respondent in Loan No.3424 dated 12.09.2001 based on the petitioner's representation dated 10.08.2023.

For Petitioner : Mr.N.Marimuthu
For Respondents : Mrs.D.Farjana Ghouseia
Special Government Pleader

ORDER

The petitioner's father, namely Karuppaiah has applied for housing loan before the fourth respondent Society and the fourth respondent Society, after verifying the documents produced by him has also sanctioned a sum of Rs.2,00,000/- as a loan in the year 2001 in the Loan Account No.3424. The petitioner claims that his father has paid the dues till 2006. Due to ill-health, the petitioner's father died on 07.02.2018. Now, the fourth respondent Society has sent a notice to the petitioner on 24.04.2023 along with a calculation memo stating that after waiving off the interest as per the Government



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orders in G.O(Ms)No.40, Housing and Urban Development Department, dated 16.03.2015 and G.O(Ms) No.31 Housing and Urban Development Department, dated 03.03.2023, on One Time Settlement Scheme, the petitioner has to pay Rs.4,72,022/- to the Society and the Scheme is extended till 02.09.2023. Challenging the notice/calculation memo, the petitioner has filed this writ petition claiming that as per the above Government orders, the entire interest has to be waived off and the principal amount alone has to be collected from the petitioner.

2.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents submits that the calculation has been made as per the above mentioned Government orders and hence, there is no need to interfere with the impugned notice.

3.Considering the rival submissions made, this Court, without expressing anything on the merits of the claim made by this



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petitioner, this writ petition is disposed of with a direction to this petitioner to settle the amount payable by him on 02.09.2023 and the respondents shall consider the case of the petitioner in the light of the Government orders in G.O(Ms)No.40 and G.O(Ms) No.31 Housing and Urban Development Department, dated 16.03.2015 and 03.03.2023 respectively. No costs. Consequently, connected Miscellaneous Petition is closed.

31.08.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
vrn

Note: Issue order copy on **01.09.2023.**



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To

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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.21308 of 2023 and
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31.08.2023