



W.P.(MD)No.10572 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10572 of 2025

K.Saraswathi

: Petitioner

Vs.

The Secretary,
R786 Trichy Co Operative Housing and
Construction Credit Society,
No.33 Colony Main Road,
Thillai Nagar,
Trichy 18.

: Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner request for one time settlement of the payment of the balance amount of Rs.6,35,870/- and return the deposit of title deeds dated 27.06.2014 by considering the petitioner's representation dated 06.11.2023.

For Petitioner : Mr. B.Jameelarasu

For Respondent : Mr.K.S.Selvaganesan

Additional Government Pleader



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ORDER

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This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's request for One Time Settlement of the payment of the balance amount of Rs.6,35,870/- and return the deposit of title deeds dated 27.06.2014 by considering her representation dated 06.11.2023.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner asserts that her husband was a member of the respondent Society and had availed a housing loan from the Society on 27.06.2014. Following her husband's demise, the petitioner became aware that there were outstanding loan arrears amounting to Rs.6,35,870/-. Due to her financial difficulties, she submitted a representation dated 06.11.2023, requesting the Society to furnish the details of the loan amount and to consider a proposal for One Time Settlement. As no action has been taken till date, the petitioner has now filed the present writ petition.



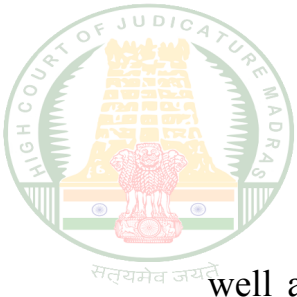
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4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondent to consider the petitioner's representation dated 06.11.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as



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well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

22.04.2025

Index : Yes / No

Internet : Yes / No

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To

The Secretary,
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VIVEK KUMAR SINGH, J.

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