

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 25578 of 2003 (T)

PETITIONER :

K.K.DEVAYANI, W/O.P.N.AYYAPPAN, PANNIKKUZHI HOUSE,
VADAKKETHARA, (POST) PAZHAYANNUR, THRISSUR DISTRICT

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS :

1. THE LIQUIDATOR, INSPECTOR OF CO-OP SOCIETIES,
WADAKKANCHERY HOUSING CO-OP SOCIETY LTD, NO.R.690,
OFFICE OF THE ASST. REGISTRAR OF CO-OP SOCIETIES (GENERAL)
POST. WADAKKANCHERY THALAPPILY,
THIRSSUR DISTRICT
2. THE ASST.REGISTRAR OF CO-OP SOCIETIES (GENERAL), THALAPPILLY,
THRISSUR DISTRICT

ADDL.R3 IMPEADED

ADDL.R3. THE MANAGING DIRECTOR,
KERALA STATE CO-OPERATIVE HOUSING FEDERATION
JUDGES AVENUE, KALOOR, ERNAKULAM

ADDL.R3 IS IMPEADED VIDE ORDER DATED 26.02.2015 IN I.A.NO.13784/2004

ADDL. R3 BY ADV. SRI.BINU MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 25578 of 2003 (T)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 :COPY OF THE RECIEPT OF PAYMENT, DATED 14.1.2003

EXT.P2 : COPY OF THE NON-DUE CERTIFICATE DATED 14.1.2003

EXT.P3 : COPY OF THE PETITION ISSUED TO THE RESPONDENTS DATED 20.1.2003

EXT.P3(a) : COPY OF THE PETITION ISSUED TO THE RESPONDENTS, DATED 20.1.2003

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

PA TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.25578 of 2003

Dated this the 26th day of February, 2015

J U D G M E N T

The petitioner has filed this writ petition seeking the following reliefs :

- i) issue a writ of Mandamus or any Writ, order or direction directing the respondents to return the documents of title deposited with the Wadakkanchery Housing Co-op Society Ltd., while availing the loan immediately within such short period as this Hon'ble Court deems fit;*
- ii) issue a writ of Mandamus or any Writ, order or direction directing the respondents to return the membership fee of the petitioner immediately within such short period as this Hon'ble Court deems fit And*
- iii) issue any other Writ, order or direction that the petitioner may pray for during the pendency of the Original Petition and those which the Hon'ble Court deems fit to grant.*

2. The learned counsel for the 3rd respondent draws my attention to the decision of a Full Bench of this Court in ***John v. Liquidator [2006 (1) KLT 11] (FB)*** in which it is held that, a writ petition seeking a direction to a Co-operative Society to return the title deeds of properties mortgaged by the petitioners to obtain a housing loan is not maintainable. In view of the said dictum, this writ petition is not maintainable.

3. The learned counsel for the petitioner submits that, the petitioner is ready to pay off the entire amount due to the additional 3rd respondent. The counsel for the additional 3rd respondent submits that, if the petitioner pays the entire amount due to the said respondent, the title deeds of the petitioner would be returned. This

is recorded.

This writ petition is accordingly dismissed, but recording the above submission of the counsel for the additional 3rd respondent.

Sd/-
K.SURENDRA MOHAN, JUDGE.

AV