



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.19660 of 2015

N.Subbiah

... Petitioner

Vs.

- 1.The Registrar,
Co-operative Societies (Housing),
Chennai.
- 2.The Deputy Registrar (Housing),
Dputy Registrar Housing Board Office,
Virudhunagar District.
- 3.The Secretary,
Dhalavaipuram Co-operative Building
Society Ltd., (Q.963),
Kamarajar Nagar,
Dhalavaipuram 626 188,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the third respondent to return the petitioner's all original documents which was mortgaged with the third respondent, dated 01.04.2000 based on the petitioner's representation, dated 07.10.2015 within time as fixed by this Court.

For petitioner : Mr.P.Sivachandran

For R1 & R2 : Mr.N.S.Karthikeyan

Additional Government Pleader

For R3 : Mr.R.Velmurugan

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus, directing the third respondent to return the petitioner's all original documents which was mortgaged with the third respondent, dated 01.04.2000 based on the petitioner's representation, dated 07.10.2015 within time as fixed by this Court.

2. Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for the respondents 1 & 2 and Mr.R.Velmurugan, learned counsel takes notice for the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. By consent, the Writ Petition itself is taken up for final disposal.



4. In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner is working as daily wager. In the year 2000, the petitioner approached the third respondent for a loan for constructing a house in his land. For which, the petitioner had mortgaged his property in favour of the third respondent. After that, the third respondent sanctioned a loan of Rs.1,00,000/- (Rupees one lakhs only) to the petitioner at the rate of 15¹/₂ % p.a for a period of 15 years. Even though, the petitioner is working as daily wager, he has been regularly paying the monthly installment. On 30.06.2014, the petitioner has finally paid the entire loan amounts with interest to the third respondent. After that, the petitioner approached the third respondent to return all original documents pertaining to his land which was mortgaged in favour the third respondent. But, the 3rd respondent did not return the original document. In this regard, the petitioner has approached the third respondent on several occasions. But, the 3rd respondent was not even ready to cancel the mortgage. In the circumstances, on 05.10.2015 the third respondent issued a no due certificate to the petitioner. Even thereafter the third respondent did not return the document without any valid reason. In this regard, the petitioner has made several representations to the respondents 2 & 3, but the respondents did not consider his representation. On 07.10.2015, the petitioner made a last representation. Since the same was not disposed of till date, the petitioner has come forward with this Writ petition for the above stated relief.

5. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the respondents to consider the representation of the petitioner, dated 07.10.2015 and pass appropriate orders on the same on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the petitioner.

6. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

1. The Registrar,
Co-operative Societies (Housing),
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Registrar (Housing),
Dputy Registrar Housing Board Office,
Virudhunagar District.

3.The Secretary,
Dhalavaipuram Co-operative Building
Society Ltd., (Q.963),
Kamarajar Nagar,
Dhalavaipuram 626 188,
Rajapalayam Taluk,
Virudhunagar District.

+1cc to M/S.P.Sivachandran , Advocate in SR.No. 63467

+1cc to Special Government Pleader in SR.No. 63853.

TS/10.12.2015/3P-6C/NGM-SS/SAR - I

W.P (MD) .No.19660 of 2015

29.10.2015