



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE S.MANIKUMAR

and

THE HONOURABLE Mr. JUSTICE G.CHOCKALINGAM

W.P.(MD)No.6120 of 2015

A.Sahaya Arasu

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development (HCS) Department,
Secretariat,
Chennai 600 002.

2.The Registrar of Cooperative Societies (Housing),
Tamil Nadu Housing Board Complex,
No.493, Anna Salai, Nandanam,
Chennai 600 035.

3.The Additional Registrar / Managing Director,
Tamil Nadu Cooperative Housing Federation,
48, Rithardan Road,
Veperi,
Chennai 600 007.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to return the documents of the properties to the 12738 members / public, who had repaid the entire housing loan with interest towards their housing loan account as per the minutes of meeting of the officials of the Cooperative Housing Department and Employees Union in R.C.No.12675/2010-11/L-O, dated 12.01.2015.

For Petitioner : Mr.L.George Paul Anto

For Respondents : Mr.M.Alagadevan, Spl.G.P.

O R D E R

(Order of this Court was made by S.MANIKUMAR,J.)

Based on the minutes of meeting of the officials of the Cooperative Housing Department and the Employees Union convened on 27.12.2014 at the chambers of the Secretary to the Government, Housing and Urban Development Department, Secretariat, Chennai, recorded in R.C.No.12675/2010-11/L-O, dated 12.01.2015, a practicing Advocate of the Madurai Bench of Madras High Court, has sought for a Writ of Mandamus, directing the respondents to return the documents of the properties to the 12738 members / public, who had repaid the entire housing loan with interest towards their housing loan account, as per the minutes of meeting of the officials of the Cooperative Housing Department and Employees Union.



2. In the meeting held on 27.12.2014, among other subjects, an issue relating to return of documents to the members, who have repaid the housing loan amount to the society, has been considered. Minutes dated 12.01.2015 has not fructified into any order, directing the concerned to return the documents to the members, who have repaid the loan amount. Unless and until an executive or administrative order is issued by the concerned, it cannot be said that there is a failure to exercise the duties of any such executive orders are issued, then the same gives right to aggrieved person or to a public interest litigant, to seek for a mandamus.

3. Decisions taken in a meeting, can always be reviewed or changed. Of course, the officials of the Cooperative Housing Department are bound to consider the plight of the borrowers, who have repaid their housing loan amount to the society and release of the documents, as expeditiously. Thus, declining to issue any mandamus as prayed for, we only to state that having regard to the plight of the borrowers, who have repaid loan amount, the respondents are directed to consider the matter and take appropriate action as expeditiously as possible.

4. The Writ petition is accordingly dismissed. It is made clear that merely because the Writ petition is dismissed, it does not mean that the respondents can postpone in taking appropriate action. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Housing and Urban Development (HSC) Department,
Secretariat,
Chennai 600 002.
2. The Registrar of Cooperative Societies (Housing),
Tamil Nadu Housing Board Complex, II Floor, Annexure,
No.493, Anna Salai, Nandanam,
Chennai 600 035.
3. The Additional Registrar / Managing Director,
Tamil Nadu Cooperative Housing Federation,
48, Rithardan Road,
Veperi,
Chennai 600 007.

+1cc to Mr.L.George Paul Anto, Advocate SR.No.20652

+1cc to Special Govt.Pleader SR.No.21348

W.P. (MD) No.6120 of 2015
21.04.2015