

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2016

Coram

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.8355 of 2016

S.Arumugam

...Petitioner

Vs.

1. The Registrar of Cooperative Societies,
(Housing) Anna Salai,
Nandanam, Chennai - 600 035.
2. Additional Registrar/Managing Director,
Tamil Nadu Housing Board,
Veperry, Chennai - 600 007.
3. The General Manager,
TamilNadu Housing Board,
Veperry, Chennai - 600 007.
4. The Deputy Registrar of
Cooperative Societies,
(Housing) Vellore Region,
Gandhi Nagar, Katpadi,
Vellore District.
5. The Secretary,
H.H.80, Chengam Cooperative
Building Society,
Raja Veethi, Chengam, Chengam Taluk,
Thiruvannamalai District.
6. The Tamil Nadu Cooperative Housing
Federation Ltd., Vepery, Chennai
(R-6 suo motu impleaded as per the order
passed by this Court in this
W.P., dt.7.3.2016)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to return the documents bearing No.825/2002, to the

petitioner by considering the petitioner's representation, dated 17.02.2016.

For Petitioner : Mr.Vediappan
for M/s.C.S.Associates

For Respondents 1 & 4 : M/s.T.P.Savitha
Government Advocate

For Respondents 2,3 and 6 : Mr.Kanmani Annamalai
Additional Government Pleader

For Respondent -5 : Mr.L.P.Shanmugasundaram
Special Government Pleader
for Cooperative Society.

O R D E R

Heard Mr.Vediappan, the learned counsel appearing for the petitioner, M/s.T.P.Savitha, the learned Government Advocate, who accepts notice for respondents 1 and 4, Mr.Kanmani Annamalai, the learned Additional Government Pleader, accepting notice for respondents 2, 3 and 6 and Mr.L.P.Shanmugasundaram, the learned Special Government Pleader (for Cooperative Society), who accepts notice for respondent 5. With their consent, the main Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition to direct the respondents to return the document, bearing No.825 of 2002 to him, by considering his representation.

3. The petitioner purchased a property along with his wife, by securing a loan from the fifth respondent/Society, during the year, 2002. It is an admitted fact that the petitioner was not regular in repaying the loan, however, the loan has been settled fully on 11.12.2015. Hence, the petitioner requested the fifth respondent to return the original documents, since the loan amount has been fully paid. The fifth respondent is not in a position to return the documents, since the documents are in the custody of the sixth respondent, which is a Housing Federation, from where, the fifth respondent/Society has obtained the loan.

4. The learned Additional Government Pleader for the respondents 2, 3 and 6 submitted that, as per the arrangement between the Federation and the Society, Society is bound to remit the installments collected from the borrower/subscriber

promptly to the Federation. If the Society do not clear the loan transaction with the Federation, then, the Federation would be unable to return the documents to the Society.

5. The learned Special Government Pleader for the respondent-Society submitted that the Secretary of the fifth respondent/Society has appeared before the Federation on 08.03.2016, and has given a statement agreeing to clear the entire dues to the Federation.

6. In the light of the above said statement, this Court, while placing the same on record, issues a direction to the fifth respondent/Society to clear the balance dues fully within a period of four weeks from the date of receipt of a copy of this order. On the balance amount being remitted by the fifth respondent, the Federation shall return all the originals documents of the petitioner to the fifth respondent/Society within a period of two weeks therefrom, and the fifth respondent, in turn, is directed to return the original documents to the petitioner within a period of one week from the date, on which, they received the documents from the sixth respondent/Federation.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sd

To

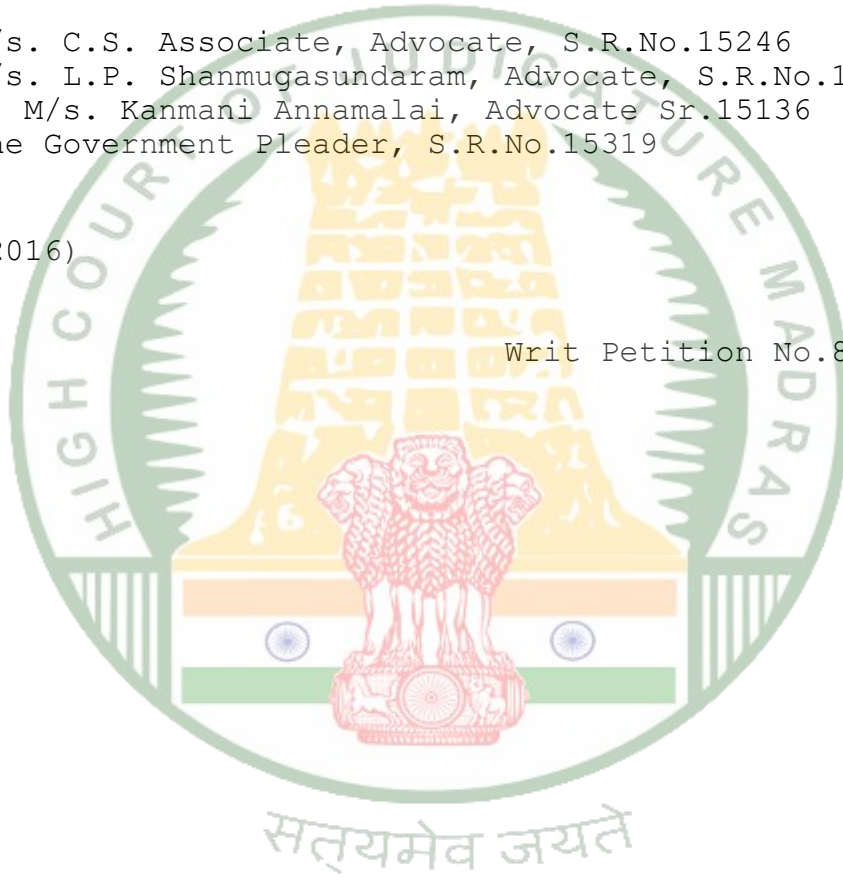
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Thiruvannamalai District.
6. The Tamil Nadu Cooperative Housing Federation Ltd.,
Veperiy, Chennai

+1cc to M/s. C.S. Associate, Advocate, S.R.No.15246
+1cc to M/s. L.P. Shanmugasundaram, Advocate, S.R.No.15201
+ 1 cc to M/s. Kanmani Annamalai, Advocate Sr.15136
+1cc to the Government Pleader, S.R.No.15319

MP(CO)
EU(30/03/2016)

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