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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 09.06.2016
CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P(MD) No.10178 of 2016

M. Poobathi

..Petitioner

Vs

1. The District Registrar,
Co-operative Housing Board Limited,
Near Collectorate,
Theni.

2. The Secretary,
185, M.D. (Spl) Cumbum Cooperative Housing Board Limited,
Cumbum Town,
Uthamapalayam Taluk,
Theni District.

3. The Sub-Registrar,
Uthamapalayam Sub-Registrar Office,
Uthamapalayam,
Theni District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to consider and pass appropriate orders on the representation of the Petitioner, dated 2.6.2016 and to release the title deed and other documents which were given by the Petitioner at the time of receiving loan as security and further to direct the second respondent to send necessary communication to the third respondent for removal of entry of Encumbrance Certificate in respect of Petitioner's loan transactions.

For Petitioner : M/s. A. Saravanan

For Respondents : Mr. K. Guru
Addl. Govt. Pleader

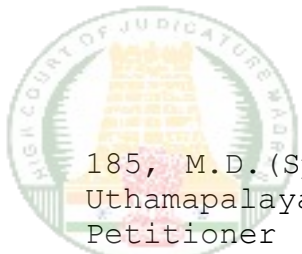
ORDER

Heard both sides.

2. By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3. According to the Petitioner, she was sanctioned with a loan amount of Rs. 3,50,000/- on 21.03.2002 and 18.06.2002 respectively. Subsequently, she paid a sum of Rs. 4,665/- p.m to the second respondent towards the instalment amount.

<https://hcservices.court.gov.in/hcservices/>
4. The grievance of the Petitioner is that she had paid all the instalment amount and ultimately, settled the loan amount and in fact, the loan transaction was closed by the second respondent/The Secretary,



185, M.D.(Spl) Cumbu8m Co-operative Housing Board Limited, Cumbum Town, Uthamapalayam Taluk, Theni District. The specific case of the Petitioner is that there is no arrears to be paid towards the loan account. Therefore, it is primarily contended on behalf of the Petitioner that the second respondent/Society is duty bound to return the original title deed and other documents. It appears that the Petitioner had sent a written representation on 2.6.2016 to the Secretary of the second respondent/Society for the purpose of returning the documents as well as a request to forward necessary communication to the third respondent regarding the removal and cancellation of loan transaction in the Encumbrance Certificate. Since there is no positive/effective response from the side of the second respondent/Society, the Petitioner is constrained to file the present Writ Petition before this Court.

5.In view of the fact that the Petitioner's representation, dated 2.6.2016 in the subject-matter in issue is pending consideration in the hands of the second respondent/Society, this Court in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the Secretary of the Second respondent/Society to look into the representation of the Petitioner, dated 2.6.2016 with all earnestness and seriousness and to dispose of the same on merits by passing a reasoned speaking order (of course after providing adequate opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks from the date of receipt of a copy of this order. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Secretary of the second respondent/Society and the second respondent shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 2.6.2016.

6.With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The District Registrar,Co-operative Housing Board Limited,
Near Collectorate, Theni.
 - 2.The Secretary,
185, M.D.(Spl) Cumbum Cooperative Housing Board Limited,
Cumbum Town,Uthamapalayam Taluk,Theni District.
 - 3.The Sub-Registrar,Uthamapalayam Sub-Registrar Office,
Uthamapalayam,Theni District.
- +1cc to M/S.A.Saravanan, Advocate in SR.No.29358
+1cc to Special Government Pleader in SR.No.29271

W.P (MD) No.10178 of 2016

09.06.2016