



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2016

C O R A M

WEB COPY

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.2260 of 2016

S.PAULRAJ

.. Petitioner

Vs.

1. THE SECRETARY TO GOVERNMENT,  
HOUSING AND URBAN DEVELOPMENT (HCS)  
DEPARTMENT, SECRETARIAT, CHENNAI 600 009.

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, TAMILNADU COOPERATIVE  
HOUSING FEDERATION, 48, RITHARDAN ROAD,  
VEPERI, CHENNAI 600 007.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioners representation dated 16.10.2015 for the purpose of returning the property documents to 37 members of the petitioner society who had repaid the entire loan with interest towards their housing loans.

For petitioner ... Mr.George Paul Anto

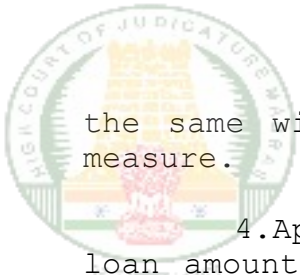
For Respondents ... Mr.M.Murugan, Government Advocate

O R D E R

Mr.M.Murugan, learned Government Advocate, takes notice for the respondents.

2. The petitioner seeks for a Mandamus directing the respondents to consider his representation dated 16.10.2015 for the purpose of returning the property documents to 37 members of the petitioner society, who had repaid the entire loan with interest towards their housing loans.

3. According to the petitioner, he is the President of Q.928, Virudhunagar Co-operative Housing Society Ltd., Virudhunagar. The main function of the Society is to issue housing loan to its members. The Society is financed by the third respondent Federation and that the second respondent is the Administrative Controlling Authority of the Society as well as the third respondent. While issuing the housing loan, the members should execute a mortgage deed in favour of the Society and



the same will be kept in the third respondent's office, as a security measure.

4. Apart from that, whenever the members of the Society repay the loan amount, the same will be credited in their loan account, where the third respondent is maintaining a group loan ledger. After repayment of the entire loan amount due, the mortgage deed will be discharged by the Society and all the documents under the custody of the third respondent Federation will be returned.

5. Be that as it may, 37 members of the petitioner Society have cleared their loan in the Society on various dates from 2009 to 2015 and their mortgage deeds have also been discharged. But despite several representations were sent to the third respondent to return the documents (Properties Deed) of the members, who had repaid the loan amount, the third respondent has not yet returned the same. Hence the petitioner has come up with this writ petition for the relief stated therein.

6. Considering the above stated facts and circumstances, I direct the respondents to consider the representation of the petitioner dated 16.10.2015 in regard to return of the property documents and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. THE SECRETARY TO GOVERNMENT,  
HOUSING AND URBAN DEVELOPMENT (HCS)  
DEPARTMENT, SECRETARIAT, CHENNAI 600 009.
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SOCIETIES (HOUSING), TAMIL NADU HOUSING  
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HOUSING FEDERATION, 48, RITHARDAN ROAD,  
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+1 CC to M/S.L.GEORGE PAUL ANTO, Advocate, SR No.6705

+1 CC to the Special Government Pleader, SR No.6392

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