

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.8809 of 2017
and
W.M.P.No.9658 of 2017

1. N.Suganthi ...Petitioner

Vs

1. The Registrar of Co-operative Societies (Housing),
No.48, Ritherdon Road,
Veppery,
Chennai - 600 007.
2. The Managing Director,
Tamil Nadu Housing Federation,
No.48, Ritherdon Road,
Veppery,
Chennai - 600 007.
3. The Deputy Registrar of
Co-operative Societies (Housing),
Salem Region,
Parlands,
Salem - 636 016.
4. Mecheri Co-operative Housing Society Ltd.,
SLM/HSG-85, Mecheri,
Mettur Taluk,
Salem District,
PIN - 636 453.
Rep. by its Secretary

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to return and hand over all the original documents of the petitioner to her which were entrusted as security for borrowing loan amount of Rs.3,00,000/- bearing Loan No.286 from the 4th respondent society.

For Petitioner : Mr. R.Malaichamy

For respondents : Mr. V. Selvaraj
R1,R3 & R4 Additional Government Pleader

For R2 : Mr. S. Kanmanni Annamalai
Additional Government Pleader
for (Federation)

O R D E R

The Petitioner has come forward with this Writ Petition to issue a Writ of Mandamus, directing the 1st respondent to return and hand over all the original documents of the petitioner to her which were entrusted as security for borrowing loan amount of Rs.3,00,000/- bearing Loan No.286 from the 4th respondent society.

2. The learned counsel appearing for the petitioner would submit that the petitioners had discharged the entire loan amount to the respondent-society on 19.05.2015, itself and no due certificate has also been issued by the 4th respondent. Hence, the petitioner has made a representation to return and handover all the original documents deposited as security for the said loan amount. In spite of such representation, the respondent-society, has not returned the original documents to the petitioner. Therefore, the petitioner has filed this writ petition. The learned counsel for the 4th respondent would submit that the petitioner had not appeared before the 4th respondent and however, he submitted that due to financial crisis, they are not in a position to repay the balance loan amount to the 1st respondent. The learned counsel for the 4th respondent would submit on instructions, that the original title deed documents will be returned within a period of four months.

3. Heard Mr. Malaichamy, learned counsel for the petitioner and Mr. V. Selvaraj, Additional Government Pleader, Mr. S. Kanmanni Annamalai, Additional Government Pleader for Federation, G. Lakshmi Narayanan, Secretary is present in Court.

4. In view of the undertaking given by the 4th respondent that the above said documents will be returned within a period of four months. Hence, this Court directs the 4th respondent to return the original title deed documents within a period of four months from the date of receipt of a copy of this order. If the said documents have not returned within the stipulated period, the respondent has to pay compensation to the tune of Rs.1,000/- to the petitioner per month till the return of the original document.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

ssn/klt

To

1. The Registrar of Co-operative Societies (Housing),
No.48, Ritherdon Road,
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2. The Managing Director,
Tamil Nadu Housing Federation,
No.48, Ritherdon Road,
Veppery,
Chennai - 600 007.
3. The Deputy Registrar of
Co-operative Societies (Housing),
Salem Region,
Parlands,
Salem - 636 016.
4. The Secretary
Mecheri Co-operative Housing Society Ltd.,
SLM/HSG-85, Mecheri,
Mettur Taluk,
Salem District,
PIN - 636 453.

+1cc to Mr.R.Malaichamy,sr.23664

+1cc to Government Pleader sr.24068

vg1(co)
ss(9/5/2017)

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