

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.25523 of 2014

R.Devarasu

.. Petitioner

Vs.

1. The President,  
Mannadipet Commune Co-operative  
Housing Society Limited P-512,  
Co-operative Nagar,  
Kalitheerthal Kuppam,  
Madhagadipet post,  
Pondicherry-605 107.

2. The Manager,  
Mannadipet Commune Co-operative  
Housing Society Limited P-512,  
Co-operative Nagar,  
Kalitheerthal Kuppam,  
Madhagadipet post,  
Pondicherry-605 107.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to return back the original sale deed dated 13.12.1999 bearing document No.1503/99 to the petitioner herein which the petitioner had submitted before the respondents while availing Housing loan under HIG-II under Membership No.1070 with the respondents.

For Petitioner : Mrs.Vijayalakshmi  
for Mr.D.Rajagopal

For Respondents : Mr.R.Sreedhar

O R D E R

According to the petitioner, he has cleared the entire loan to the respondents society. Despite the loan has been settled, the respondents society, has failed to return the sale deed to the petitioner. Therefore, the petitioner has made several representations to the respondents to return the sale deed but

there is no response from the society. Hence, the petitioner has filed the present writ petition before this Court.

2. The counter filed by the 1<sup>st</sup> respondent society stating that the petitioner has to pay Rs.1,66,573/- as on 29.02.2012 to the Society in respect of sending reminders to the petitioner, he has not remit the amount. Therefore, the petitioner is not entitled to the relief he has sought for.

3. The learned counsel for the respondents society would submit that the petitioner is having alternative remedy under Section 84(1) of the Puducherry Cooperative Societies Act before the Appropriate Authority.

4. In view of the above submissions made by the learned counsel for the parties, this writ petition is dismissed as not maintainable with liberty to the petitioner to approach the concerned Authority under Section 84(1) of the Puducherry Co-operative Societies Act, if so advised within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ssn

To

1. The President,  
Mannadipet Commune Co-operative  
Housing Society Limited P-512,  
Co-operative Nagar,  
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Pondicherry-605 107.

+ 1 cc to Mr.D.Rajagopal, Advocate,SR.61809

+ 1 cc to Mr.R.Sreedhar, Advocate,SR.62191

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KK (CO)  
NR 22/09/2017



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