

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.19890 of 2014

M.Kuzhanthaivelan

... Petitioner

Vs.

1. The Registrar,
Co-operative Societies (Housing),
Tamil Nadu Housing Board Building,
Anna Salai, Nandanam,
Chennai.
2. The Co-operative Sub Registrar,
Co-operative Societies (Housing),
Tindivanam.
3. The Deputy Registrar (Housing),
Co-operative Societies,
Cuddalore.
4. The Secretary,
Vikravandi Co-operative Building
Society Ltd.,
Vikravandi,
Villupuram District.

... Respondents

(Cause Title amended as per the order of this Court dated 17.05.2017 made in M.P.No.1 of 2014 in W.P.No.19890 of 2014)

Prayer:

Petition 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 15.07.1982 bearing Document No.1285 of 1982 to the petitioner herein by considering the representation of the petitioner dated 18.02.2014.

For Petitioner : Mrs.S.Vijayalakshmi
for M/s.D.Rajagopal

For Respondents : Mr.V.Selvaraj for R1 to R3
Additional Government Pleader
Mrs.T.P.Savitha for R4

O R D E R

This writ petition has been filed seeking issuance of Writ of Mandamus directing the respondents to return back the original sale deed dated 15.07.1982 bearing Document No.1285 of 1982 to the petitioner by considering the representation of the petitioner dated 18.02.2014.

2. According to the learned counsel for the petitioner, the petitioner availed a sum of Rs.1,00,000/- as loan from the fourth respondent society in the year 1993 - 94, for construction of building. At the time of obtaining loan, the original sale deed document pertaining to the petitioner's property was deposited as security for the loan obtained by the petitioner.

3. According to the learned counsel for the petitioner, the petitioner cleared the entire loan obtained from the fourth respondent society in the year 1999 itself and as on date, nothing is due to the fourth respondent society to be repayable by the petitioner. The petitioner has requested the fourth respondent society to return the original document. Despite the request made by the petitioner, the fourth respondent society has failed to return the original sale deed deposited by the petitioner. Finally, the petitioner made representation on 18.02.2014 to the fourth respondent society. Till now, no order has been passed by the fourth respondent society to return the sale deed. Hence, the petitioner has filed the present writ petition for the aforesaid prayer.

4. It seems from the representation made by the petitioner and other documents filed in the typed set of papers, the petitioner had discharged the loan amount. Unfortunately, the fourth respondent has not chosen to give any reply to the petitioner for the past several years. If the loan amount has been discharged by the petitioner, the respondent society has no authority to withhold the said document. Therefore, this Court is inclined to consider the prayer in the writ petition. Hence, this Court directs the fourth respondent society to consider the petitioner's representation dated 18.02.2014 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pri/lpp

To

1. The Registrar,
Co-operative Societies (Housing),
Tamil Nadu Housing Board Building,
Anna Salai, Nandanam,
Chennai.
2. The Co-operative Sub Registrar,
Co-operative Societies (Housing),
Tindivanam.
3. The Deputy Registrar (Housing),
Co-operative Societies,
Cuddalore.
4. The Secretary,
Vikravandi Co-operative Building
Society Ltd.,
Vikravandi,
Villupuram District.

+1cc to Mr.D.Rajagopal, Advocate, S.R.No.37651
+1cc to Mrs.T.P.Savitha, Advocate, S.R.No.37555
+1cc to the Government Pleader, S.R.No.37679

W.P.No.19890 of 2014

SVI (CO)
CA(30/05/2017)

सत्यमेव जयते

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