

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.34356 of 2016 and W.P. No.35349 of 2016 and
W.P.No.34335 of 2016 and W.P.No.34114 of 2016

Tmt.Chinnamma ...Petitioner in W.P.No.34356 of 2016
Tmt.Saraswathy and another ...Petitioner in W.P.No.35349 of 2016
M.Sadananda ...Petitioner in W.P.No.34335 of 2016
Tmt.M.Madhammal ...Petitioner in W.P.No.34114 of 2016

Versus

1.The Registrar,
O/o.the Registrar of Co-operative Housing Society,
Tamil Nadu Housing Board Premises,
Nandanam, Chennai - 600 035.

2. The Deputy Registrar,
O/o.the Deputy Registrar Co-operative Society,
No.873, 1st Floor,
Kankeyanallur Road,
Gandhi Nagar (East),
Vellore - 635 006.

3. The President,
K.K.361, Hosur Co-operative Housing Society,
Old Telephone Office Road,
Hosur - 635 109,
Krishnagiri District.

4. The Secretary,
K.K.361, Hosur Co-operative Housing Society,
Old Telephone Office Road,
Hosur - 635 109,
Krishnagiri District ...Respondents in all W.Ps

Prayer in W.P.No.34356 of 2016:-Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to return back the original title deed of the petitioner in respect of the property situated in Jujuvadi Village Survey No.520/2, Chinna Elasagiri Village, Jujuvadi Tharappu, Hosur Taluk, Sub Registration District of Hosur, Registration District of

Krishnagiri within a stipulated period of time on the light of Loan Clearance Certificate dated 29.10.2012 issued by the 4th respondent society.

Prayer in W.P.Nos.35349 and 34335 of 2016:-Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to return back the original title deed of the petitioner in respect of the property situated in Survey No.794, Hosur Village, Hosur Town, Hosur Talu, Sub Registration District of Hosur, Registration District of Krishnagiri within a stipulated period of time on the light of Loan Clearance Certificate dated 14.03.2016 issued by the 3rd respondent society.

Prayer in W.P.No.34114 of 2016:-Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to return back the original title deed of the petitioner in respect of the property situated in Survey No.1154, Chennathur Village, Hosur Taluk, Sub Registration District of Hosur, Registration District of Krishnagiri within a stipulated period of time on the light of Loan Clearance Certificate dated 02.07.2015 issued by the 4th respondent society.

For Petitioner : Mr.A.Rajesh Kanna in all W.Ps
For Respondents: Mr.V.Selvaraj,AGP in all W.Ps

C O M M O N O R D E R

Today, when the matter is taken up for hearing, the learned counsel for the petitioners would submit that the petitioners have approached the respondent's society for availing a loan for construction of the house. The petitioner had deposited title deed to the respondent's society as a security through the mortgage deed. The petitioners regularly paid the monthly installment amount to the respondent and the same was acknowledged by the respondent's society. Thereafter, the entire loan amount to the respondent's society and also to obtain the Loan Clearance Certificate on 29.10.2012. The registered mortgage deed in Doc.No.6328 of 2013 presented before the Sub-Registrar office, Hosur was cancelled. Thereafter, the petitioner approached the respondent's society to return the original title deed of the petitioner's property. The respondents 2 and 3 assured the petitioners that within a period of month, the original deed will be returned back to the petitioners. There is no response from the respondent-society. Thereafter, the petitioners approached the office of the respondents on many occasions and addressed his grievance. Even on 16.09.2016, the petitioner addressed a representation to the

respondents through in person with a request of return the original title deed of the petitioner's property but so far they have never come forward to return back the petitioners title deed of the above said addressed property even after making full and final settlement of the loan amount. In spite of that, the respondent-society has not return the original title deed of the property and therefore, the petitioner has filed the present Writ Petition before this Court to return the original title deed of the petitioners.

2. The learned Additional Government Pleader would submit that due to the financial crisis, the respondent-society could not able to pay the outstanding loan amount to the federation. On instruction, the learned Government Pleader undertakes that the aforesaid original title deed document will be returned to the petitioners within a period of four months from the date of receipt of a copy of this order.

3. In view of the submission made by the learned Additional Government Pleader, the third and fourth respondents are directed to return the original deeds of the petitioners in respect of their property within a period of four months from the date of receipt of a copy of this order, failing which, the respondent-society has to pay Rs.1000/- as compensation to the petitioners till the realization of the said document.

4. With the above direction, these Writ Petitions are disposed of.

Sd/-
Assistant Registrar

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सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Registrar,
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Krishnagiri District.
4. The Secretary,
K.K.361, Hosur Co-operative Housing Society,
Old Telephone Office Road,
Hosur - 635 109,
Krishnagiri District

+4cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.24971 to 24974
+1cc to the Government Pleader, S.R.No.25677

WP.No.34356 of 2016 and W.P. No.35349 of 2016 and
W.P.No.34335 of 2016 and W.P.No.34114 of 2016

MP(CO)
RS(13/06/2017)

सत्यमेव जयते

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