



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2017

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P(MD)No.3088 of 2017

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A.Rahima Begum

.. Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Assistant Elementary Educational Officer,
O/o Assistant Elementary Educational Office,
Chinnamanur Post,Uthamapalayam Taluk,
Theni District.

3.Director of Archives,
Department of Archives
Government of Tamil Nadu,
Egmore, Chennai - 600 008.

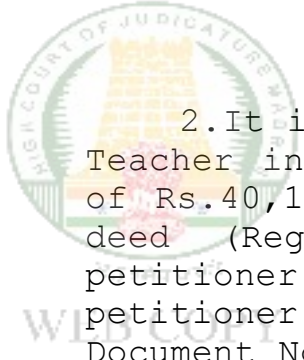
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the first respondent to consider and pass orders on the petitioner's representation dated 05.05.2016 and return original document of her house property (Regn No.979/1986) comprised in survey No.313, Plot No.37, at Thiruminayakkanpatti, 2nd ward, in Pottipuram village, Thevaram sub Division, Theni District to her and also to release the encumbrance made by first respondent over her abovesaid property in Document No.1165/1987 at Sub Registrar Office, Thevaram on 04.11.1987 and 23.11.1987 within the stipulated time as fixed by this Court.

For Petitioner	: Mr.K.Muthumalai
For Respondents	: Mr.A.Muthukaruppan
	Addl. Govt. Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 05.05.2016 and return original document of her house property (Regn No.979/1986) comprised in survey No.313, Plot No.37, at Thiruminayakkanpatti, 2nd ward, in Pottipuram village, Thevaram sub Division, Theni District to her and also to release the encumbrance made by first respondent over her abovesaid property in Document No.1165/1987 at Sub Registrar Office, Thevaram on 04.11.1987 and 23.11.1987.



2.It is stated by the petitioner that while she was working as Teacher in the Panchayat Union School, she obtained housing loan of Rs.40,150/- from the first respondent by depositing her title deed (Regn. No.979/1986). After receiving the loan, the petitioner discharged the loan amount. In the year 1987, the petitioner's property was encumbered by the first respondent in Document No.1165/1987 at Sub Registrar Office, Thevaram. The loan amount was recovered from the petitioner from 1989 to 1998 and in the year 1999, the petitioner attained age of superannuation. After loan being discharged, the petitioner has been taking efforts to get back the original document and also to release the encumbrance made by the first respondent over her property. In this connection, she has submitted her representation, however, the petitioner was directed to pay interest of the loan sum. She has also paid the same. After payment of interest, the petitioner submitted her representation on 05.05.2016 seeking for return of original document. But till date, the original documents have not been returned. Hence, the petitioner has filed the present writ petition seeking the relief as stated supra.

3.Heard Mr.K.Muthumalai, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents.

4.From the averment, it could be seen that the loan has been discharged by the petitioner as early as 1998 and thereafter, interest of the said loan amount has also been settled. However, the original documents, which was deposited for loan, have not been returned to the petitioner.

5.In such circumstances, the respondents' counsel fairly conceded that a direction may be issued to the first respondent to pass orders on the petitioner's representation dated 05.05.2016 and also to instruct the authority concerned to release the encumbrance made on behalf of the first respondent over the subject matter property in document No.1165/1987 at Sub Registrar Office, Thevaram.

6.Considering the facts and circumstances of the case, if the loan amount has been fully discharged by the petitioner, the first respondent is directed to consider the petitioner's representation dated 05.05.2016 and pass orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(A.S)

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- To
- 1.The District Collector,
Theni District.
 - 2.The Assistant Elementary Educational Officer,
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Theni District.
 - 3.Director of Archives,
Department of Archives
Government of Tamil Nadu,
Egmore, Chennai - 600 008.

+1cc to M/S.K.Muthumalai, Advocate SR.No.14443

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JM/KP/SAR 3/06.04.2017/3P/5C