

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA**W.P(MD)No.14810 of 2016**

WEB COPY

Rajendran

... Petitioner

Versus

1. The Managing Director,
Tamil Nadu Co-operative Housing Federation,
Door No.48, Rithatran Road,
Veppery, Chennai-7.
2. The Registrar (Housing),
Tamil Nadu Co-operative Housing Society,
2nd Floor, 493, Anna Salai,
Nanthanam, Chennai-35.
3. The Deputy Registrar (Housing),
15A, Main Street,
K.K.Nagar, Madurai.
4. The Secretary,
Tirumangalam Co-operative Housing Society Ltd.,
No.MDAHSG-6, Jawahar Nagar,
Tirumangalam, Madurai District.

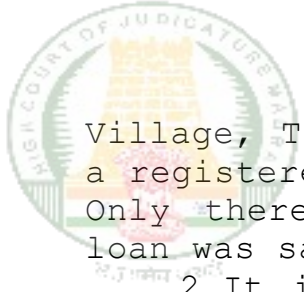
... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 4 to give back all the original documents pertaining to the property of the petitioner, for an extent of 3465 sq.ft. in Plot Nos.7 & 10 at Survey No.414/2A, Sathangudi Village, Tirumangalam, Madurai District, which was given by the petitioner to the 4th respondent, while availing a housing loan, vide loan No.37/99-2K, TV No.440-99/2000168 in the year 2000.

For Petitioner : Mr.A.Sivasubramanian.

For R1 to R3 : Mr.K.Guru,
Additional Government Pleader.For R4 : Mr.S.Kumar,
Additional Government Pleader.**O R D E R**

The petitioner is one of the members of the Tirumangalam Co-operative Housing Society Limited, No.MDAHSG-6, with Membership No.1257. As he planned to construct a house, he approached the 4th respondent namely, the Secretary, Tirumangalam Co-operative Housing Society Ltd., Tirumangalam, Madurai District, for obtaining housing loan and he has also deposited the original registered sale Deeds in connection with Plot Nos.7 & 10 in Survey No.414/2A for an extent of 3465 sq.ft. situated at Sathankudi



Village, Tirumangalam. In addition thereto, he has also executed a registered mortgage deed in favour of the 4th respondent society. Only thereupon, a loan amount of Rs.2,50,000/- towards housing loan was sanctioned in favour of the petitioner.

2.It is the claim of the petitioner that since he paid back the entire loan amount with interest, on accepting the repayment of the entire loan amount with interest, the Secretary of the 4th respondent society has executed a registered Discharge Receipt dated 08.12.2015 in favour of the petitioner. But, in spite of the issuance of the Discharge Receipt dated 08.12.2015, which shows that the loan amount with interest was paid back to the 4th respondent by the petitioner, the 4th respondent has not come forward to return the original documents deposited with him for obtaining the aforesaid loan.

3.Mr.K.Guru, learned Additional Government Pleader appearing for the respondents 1 to 3 agreeing with the stand taken by the 4th respondent in the Discharge Receipt dated 08.12.2015, submitted that the loan amount with interest appears to have been paid by the petitioner to the 4th respondent.

4.Mr.S.Kumar, learned Additional Government Pleader appearing for the 4th respondent society also submitted that a perusal of the Discharge Receipt dated 08.12.2015 issued by the 4th respondent shows that the petitioner has paid back the loan amount and also interest, hence, direction for return of the original documents may be issued.

5.Recording the submissions made by the learned Additional Government Pleaders for the respondents 1 to 3 and 4, the 4th respondent is hereby directed to return all the original documents to the petitioner pertaining to his property for an extent of 3465 sq.ft. in Plot Nos.7 & 10, Survey No.414/2A, at Sathangudi Village, Tirumangalam, Madurai District, which were given by the petitioner to the 4th respondent for obtaining housing loan, within one week from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

+1cc to M/S. A.SIVA SUBRAMANIAN, Advocate, SR.No.67090.

+1cc to Special Government Pleader, SR.No.67314.

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