



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.19131 of 2016

and

W.M.P.(MD).No.13812 of 2016

1.M.Krishnan
2.K.Arumugam
3.K.Singarajan

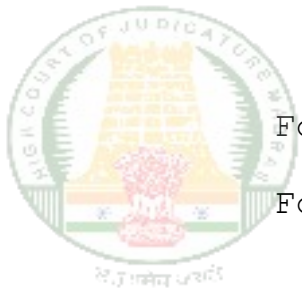
.. Petitioners

Vs.

1. The Registrar of Co-Operative Societies,
(Housing) Anna Salai, Nandhanam,
Chennai-35.
2. The Secretary,
State Bank of India,
Employees and Public Service,
Co-Operative Housing Society Ltd.,
A-2890, Madurai,
No.67, Meenakshipuram,
Theni Main Road,
Madurai-10.
3. The General Manager,
Tamil Nadu Co-Operative Housing Federation,
No.48, Ritthardan Salai,
Veppaeri,
Chennai-7.
4. The Deputy Registrar of Co-Operative Societies,
(Housing) Madurai Circle,
K.K.Nagar, Madurai-20.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus to direct the respondents to return the original document No.4799 dated 23.11.1994 and also the said mortgage deed dated 14.02.2005 with due endorsement for the full discharge of the loan amount of Rs.2,00,000/- together with interest and costs within the time



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For Petitioner : M/s.K.Muthumalai
For R1, R3 & R4 : Mr.M.Alagathevan,
Special Government Pleader.
For R2 : Mr.R.G.Snakar Ganesh

O R D E R

This writ petition has been filed seeking direction to the respondents to return the original document No.4799 dated 23.11.1994 and also the mortgage deed dated 14.02.2005 with due endorsement for discharge of the entire loan amount of Rs.2,00,000/- together with interest and costs.

2.The case of the petitioners is that the petitioners have availed a loan of Rs.2,00,000/- from the second respondent society, for which, they have mortgaged their property, mentioned in document No.4799 dated 23.11.1994 and they have also executed the registered mortgage deed dated 14.02.2005. The grievance of the petitioners is that even though they have discharged the entire loan amount together with interest, the second respondent did not return the said documents to the petitioners. Hence, the petitioners have given a representation dated 07.09.2016 to the respondents are before this Court, seeking a direction to the respondents as stated above.

3.The learned counsel appearing for the petitioners submitted that the entire loan amount has already been discharged and therefore, the respondents 2 and 3 cannot withhold the documents of the petitioners.

4.Considering the facts and circumstances of the case and considering the claim made by the petitioners, this Court without going into the merits of the matter, directs the respondents to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed of. No costs. Consequently, W.M.P.(MD).No.13812 of 2016 is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/



To

1. The Registrar of Co-Operative Societies,
(Housing) Anna Salai, Nandhanam,
Chennai-35.

2. The General Manager,
Tamil Nadu Co-Operative Housing Federation,
No.48, Ritthardan Salai,
Veppaeri,
Chennai-7.

3. The Deputy Registrar of Co-Operative Societies,
(Housing) Madurai Circle,
K.K.Nagar, Madurai-20.

+ 1 cc TO Mr.K.Muthumalai , Advocate in SR No. 89557

mj

AE/SV MMS/SAR2/13.12.2017/3P/5C

W.P. (MD) No.19131 of 2016
27.11.2017