

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDHASAN

W.P.No.4053 of 2018

Louis Mathias

... Petitioner

Vs

1.The Registrar,  
O/o The Registrar of Co-operative Society(Housing)  
Vepery,  
Chennai.

As per order datd 21.03.2018 in WMP.No.7254/2017  
in W.P.No.4053/2018 amended.

2.The Special Officer  
Sriperumpudur Taluk Co-operative  
Housing Society Limited  
Sriperumpudur  
(Near Bus Stand)  
Kancheepuram District.

3.The Managing Director  
The Tamil Nadu Co-operative  
Housing Federation Limited  
Ritherdon Road, Vepery,  
Chennai.

...Respondents

R3 impleaded as per order  
dated 21.03.2018 WMP.No.7253/2018  
in W.P.No.4053/2018

PRAYER : Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to furnish the statement of accounts including the particulars of loan amount already paid, the remaining balance amount payable to the second respondent by the petitioner towards the loan registrar said No.102 consequently permit the petitioner to pay the balance loan amount to the second respondent thereby cancel the Mortgage Deed in Doc.No.2304 of

2007 at joint IV S.R.O.Kancheepuram and return the entire title deeds to the petitioner pursuant to the representation of the petitioner dated 13.01.2018 made to the respondents.

For Petitioner : Mr.S.Srinivasan

For R1 and R2 : Mr.L.P.Shanmugasundaram  
Special Government Pleader

For R3 : No Appearance

#### O R D E R

The Writ Petition has been filed seeking a direction to the second respondent to furnish the statement of accounts including the amount payable by the petitioner towards the mortgage loan availed by him.

2. According to the petitioner, he availed a loan of Rs.2,00,000/- from the respondents society during March 2007 by mortgaging his nanja lands and also executed a registered mortgage deed in favour of the second respondent society. It is his case that even though the loan sanctioned was Rs.2,00,000/-, he was only paid a sum of Rs.1,70,000/- on various dates. It is further stated by the petitioner that he has paid the entire amount towards the loan, but, the respondents refuse to discharge the mortgage. Even though the petitioner sought for furnishing a statement of account, it is also not forthcoming, hence, he has filed the present writ petitioner

3. The learned counsel for the respondents, on instructions, submitted that towards the mortgage loan, a sum of Rs.55,124/- remains as outstanding, out of which, a sum of Rs.11,900/- towards the share of the petitioner is adjusted, a sum of Rs.43,224/- is due and payable by the petitioner and if the amount is paid by the petitioner, the respondents are ready to discharge the mortgage.

4. In reply, the learned counsel for the petitioner would submit that the petitioner is ready to pay the amount of Rs.43,224/- and on such payment, the respondents may be directed to discharge the mortgage.

5. Considering the above submission of the counsel for the petitioner, the petitioner is directed to pay the outstanding amount of Rs.43,224/- to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On such payment, the respondents 2 and 3 are directed to discharge the mortgage and to return all the original documents

deposited by the petitioner at the time of availing the loan, within a period of two weeks thereafter.

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

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dna  
To

- 1.The Registrar,  
O/o The Registrar of Co-operative Society(Housing)  
Vepery,  
Chennai.
- 2.The Special Officer  
Sriperumpudur Taluk Co-operative  
Housing Society Limited  
Sriperumpudur  
(Near Bus Stand)  
Kancheepuram District.
- 3.The Managing Director  
The Tamil Nadu Co-operative  
Housing Federation Limited  
Ritherdon Road, Vepery,  
Chennai.

+1cc to the Government Pleader Sr.58357  
+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.58603  
+1cc to Mr.S.Srinivasan, Advocate Sr.58154

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srg 31/08/2018