

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.15674 of 2018

G.Kaliyamoorthy

... Petitioner

Vs

1. The Registrar,
Co-op. Societies (Housing)
Gov. of Tamil Nadu, Co-Op. Dept.Campus,
II Floor, No.48, Ritherdon Salai,
Veppery, Chennai - 600 007.
2. The Registrar,
T.N.Co-op. Housing Sangam office,
II Floor, Joint No.493, Anna Salai,
Nandanam, Chennai - 600 035.
3. The Joint Register
Co-op.Societies,
Cuddalore Zone, South Kaveri Street,
Manjakupam.
4. The Secretary,
Co-operative Housing Building Society Ltd., (E2036)
Tanakkaran Street, Kattumannar Koil Town,
Cuddalore District - 608 301. ..Respondents

Prayer:- This Writ Petition has been filed under Section 226 of the Constitution of India for a Writ of Mandamus directing the 4th respondent to refund the petitioner's share amount of Rs.7,000/-, along with the accrued interest from 19.4.2003 of its deduction from the petitioner's loan in A/c.No.470 till the day of realization and return the original title deeds of the petitioner, deposited by him in respect of the said loan, by considering the petitioner's representation dated 13.03.2018 and

10.05.2018 within a reasonable to be fixed by this Hon'ble Court and pass and others or it may deem fit and thus render justice.

For Petitioner : Mr.M. Mathiyalagan

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader.

ORDER

This writ petition has been filed seeking a direction to the fourth respondent to refund the petitioner share amount of Rs.7,000/- and also return the original title deeds deposited by him while obtaining loan.

2.The case of the petitioner is that he is the member of the fourth respondent society and he has obtained a housing loan for a sum of Rs.1,00,000/-. So as to secure the said loan amount, the petitioner deposited the title deeds of his property as security. He has also paid Rs.7,000/- towards his share amount to the society. Thereafter, the petitioner has re-paid the entire loan amount and as on date, there is no due on the part of the petitioner. But, the respondents have failed to return the original title deeds deposited by the petitioner as security and also Rs.7,000/- towards the share amount paid by the petitioner to the society. Hence, the petitioner is before this Court with this writ petition.

3.On instruction from the respondents, the learned Special Government Pleader appearing for the respondents would submit that the petitioner earlier availed a housing loan of Rs.1,00,000/- and has also re-paid the said entire loan amount on 03.05.2018. Apart from that, the petitioner had also paid Rs.7,000/- to the respondent society towards his share amount. The learned Special Government Pleader would further submit that now the fourth respondent is ready and willing to return the share amount as well as the title deeds deposited by the petitioner.

4.In view of the above submissions made by the learned Special Government Pleader appearing for the respondents, the fourth respondent is directed to return the share amount to the petitioner, within a period of two weeks from the date of receipt of a copy of this order and also return the original title deeds deposited by the petitioner within a period of four weeks thereafter.

5.With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

jbm

To

1. The Registrar,
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4. The Secretary,
Co-operative Housing Building Society Ltd., (E2036)
Tanakkaran Street, Kattumannar Koil Town,
Cuddalore District - 608 301.

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.63074

+1cc to Mr.M.Mathiyalagan, Advocate SR.No.63150

+1cc to Government Pleader SR.No.62947

W.P. No.15674 of 2018

GMV (16/10/2018)