

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.10.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. 25659 of 2018

M.I.Sirajeedin

... Petitioner

-Versus-

1. Tamil Nadu Cooperative Housing
Federation,
rep. by its Managing Director,
No.48, Ritherdon Road, Veperi,
Chennai-600 007.

2. Kattumannarkoil Cooperative House
Building Society Ltd.,
E.2036, rep. by its Secretary,
19/13, Danakara Street,
Udayarkudi, Kattumannarkoil-608 301.
Cuddalore Dt.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to hand over the original sale deed bearing No.1154 of 2000 dated 14.07.2000 submitted to the 2nd respondent at the time of taking loan bearing No.517 in T.V.No.20/2007-08 based on the No Due certificate issued by the 2nd respondent.

For Petitioner : Mr.A.Raja Mohamed

For Respondents : Mr.Kanmani Annamalai,
Standing Counsel for R1

: Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R2

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ORDER

This writ petition has been filed seeking for a direction to the respondents to hand over the original sale deed submitted by the petitioner before the 2nd respondent.

2. According to the petitioner, he had obtained a housing loan from the 2nd respondent society. At the time of borrowing,

the petitioner has deposited the title deeds by way of security and thereafter, he has discharged the entire loan amount due to the 2nd respondent, but after discharge of loan, the 2nd respondent has failed to return the title deeds to the petitioner. Hence, the petitioner has filed the present Writ Petition.

3. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, the learned counsel appearing for the 2nd respondent, on instructions, submitted that the petitioner has discharged the entire loan amount. However, the 2nd respondent advanced the housing loan from the financial assistance obtained by the 1st respondent, and the entire records along with original sale deed submitted by the petitioner is in the custody of the 1st respondent, but, so far, the 1st respondent has not returned the sale deed.

4. The learned counsel appearing for 1st respondent, on instructions, submitted that it is only the 1st respondent given the financial assistance to the 2nd respondent for advancing the housing loan. But, so far, the 2nd respondent has not repaid the loan amount availed by him along with interest. In the said circumstances, now the 1st respondent is not in a position to return the sale deed to the petitioner.

5. Admittedly, the petitioner has repaid the entire loan amount to the 2nd respondent. If at all, there is any dispute between the 1st and 2nd respondents regarding the non-payment of loan obtained by the 2nd respondent, it is for them to work out the dispute between themselves. The 2nd respondent is being a member of the 1st respondent, it is for the 1st respondent to take steps to recover the amount from the 2nd respondent in the manner known to law, but they cannot keep the title deeds of the petitioner, especially, when the petitioner has discharged the entire loan amount due to the 2nd respondent. In the said circumstances, the respondents 1 and 2 are directed to hand over the original sale deed to the petitioner within a period of four weeks from the date of receipt of the copy of this order. If at all, there is any dispute between the 1st and 2nd respondents regarding the repayment of loan, it is always open to the 1st respondent to proceed against the 2nd respondent in the manner known to law.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS ix)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Managing Director,
Tamil Nadu Cooperative Housing
Federation,
No.48, Ritherdon Road, Veperi,
Chennai-600 007.

2. The Secretary,
Kattumannarkoil Cooperative House
Building Society Ltd.,
E.2036, 19/13, Danakara Street,
Udayarkudi, Kattumannarkoil-608 301.
Cuddalore Dt.

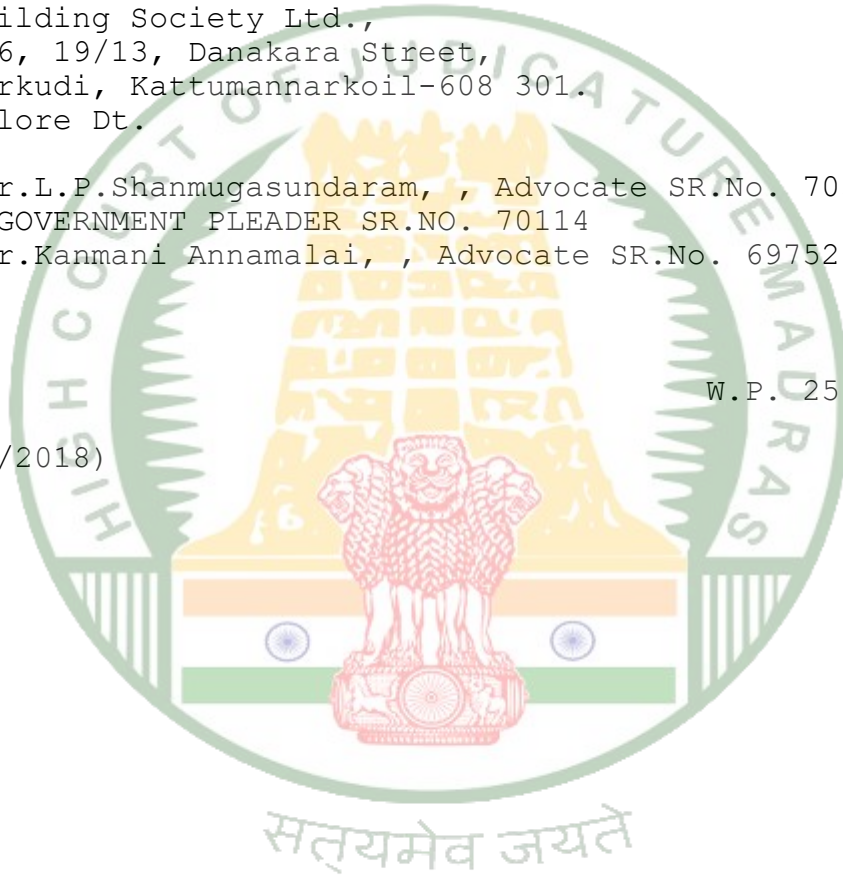
+1cc to Mr.L.P.Shanmugasundaram, , Advocate SR.No. 70502

+1 CC TO GOVERNMENT PLEADER SR.NO. 70114

+1cc to Mr.Kanmani Annamalai, , Advocate SR.No. 69752

W.P. 25659 of 2018

ASK(17/12/2018)



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