



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESHW.P. (MD) No.8500 of 2018

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S.Kubendran

... Petitioner

vs.

1. The Deputy Registrar of Co-Operative Society
Dindigul District,
Dindigul.

2. The Managing Director,
Dindigul Central Co-operative Bank Limited,
Trichy Road, Dindigul Town,
Dindigul.

3. The General Manager,
Dindigul Central Co-operative Bank Limited,
Trichy Road, Dindigul Town,
Dindigul.

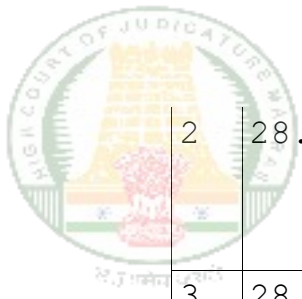
... Respondents

4. The Branch Manager
Dindigul Central Co-operative Bank Limited,
Vedasendur Branch,
Dindigul.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 to 4 to return the documents detailed in the tabular column mentioned in the schedule to the petitioner on the basis of his representation dated 29.11.2017 caused by the petitioner to the respondents 2 to 4 and further directing the fourth respondent to clear the encumbrance in respect of the property in survey no.299/7 admeasuring 44 cents, Survey No.298/3 admeasuring 30cents and Survey No.299/3 admeasuring 6 cents, Nagaiyakottai Village, Vedasandur Taluk, Dindigul District by cancelling the mortgage created upon the landed property, with in a time frame fixed by this Court.

Schedule of Documents

S. No	Date	Particulars of Documents	Remarks
1	11.03.1957	Registered Sale Deed executed by Muthan Chettiyar for himself and on behalf of his minor son in favour of Savada Gounder for a sum of Rs.700/-	Original



2	28.06.1978	Registered Sale Deed executed by Savada Gounder and his wife and their sons in favour of Veerappa Gounder for a sum of Rs.21,500/-	Original
3	28.06.1978	Re- Sale Agreement between Veerappa Gounder and Savadappa Gounder	Original
4	28.06.1983	Registered sale deed executed by Veerappa Gounder in favour of Savadamuthu, Sikkan and Subbiah for a sum of Rs.21,500/-	Original
5	18.05.1994	Registered Partition Deed entered between Savadamuthu, Sikkan, Subbiah and Muthammal	Original
6	18.05.1994	Panchayat Muchalika entered between Savadamuthu, Sikkan and Subbaian	Original
7	24.06.1999	Registered Settlement Deed executed by Savadamuthu in favour of Kubendran	Original
8		House Tax Receipts between the year 1981 and 1999(8 in Numbers)	Original
9		Encumbrance Certificate for the property for the period from 04.05.1970 to 14.07.1981 and 15.07.1981 to 08.07.1999 and another Encumbrance Certificate from 15.07.1981 to 28.06.1999	

For Petitioner : Mr.B.Saravanan
 For Respondents
 No.1 : Mr.V.Anand
 Government Advocate
 No 2 & 4 : Mr.Murugan
 Government Advocate
 No.3 : Mr.D.Shanmuga Raja Sethupathi

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for first respondent. Mr.Murugan, learned Government Advocate takes notice for R2 and R4. Mr.D.Shanmugaraja Sethupathi learned counsel takes notice for R3.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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3. It is the grievance of the petitioner that his representation dated 29.11.2017 seeking to return the documents

detailed in the tabular column mentioned in the schedule, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

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4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider



the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the third respondent to consider the petitioner's representation dated 29.11.2017 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject property.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Deputy Registrar of Co-Operative Society
Dindigul District,
Dindigul.
2. The Managing Director,
Dindigul Central Co-operative Bank Limited,
Trichy Road, Dindigul Town,
Dindigul.
3. The Branch Manager,
Dindigul Central Co-Operative Bank Limited,
Vedasandur Branch,
Dindigul.

+1CC to Mr.B.Saravanan Advocate in SR.NO.62347,

+1CC to Mr.D.Shanmugaraja Sethupathi Advocate in SR.No.62080.

AAV

DS/JC/SAR-3: 28.05.2018: 4P/6C

W.P. (MD) No.8500 of 2018
18.04.2018



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