



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A(MD)Nos.912 & 913 of 2014
and
M.P(MD)Nos.1 & 1 of 2014

1.W.A(MD)No.912 of 2014:-

The General Manager (Administrative),
Tamil Nadu Co-operative Housing Society Limited,
48, Ritherton Road,
Vepery,
Chennai - 600 007.

... Appellant/1st Respondent

Vs.

1.N.Arputha Sahayee

... 1st Respondent/Petitioner

2.The Secretary,
Arignar Anna Co-operative Housing
Society Limited, A-1432,
50/44-A Lal Bagadthur Shastri Road,
Kumbakonam,
Thanjavur District.

... 2nd Respondent/2nd Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 12.06.2014 made in W.P(MD)No.7800 of 2013, on the file of this Court.

Prayer in WP(MD). 7800/ 2013 :

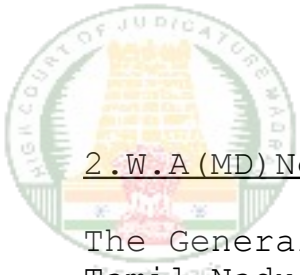
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pursuant to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.29777/2012-13/ Tho.Aa.Pi.dated 10.4.13 quash the same as illegal and consequently direct the 1st respondent to release the petitioners original sale deed in respect of her house property within the time stipulated by this Honourable Court.

For Appellant: Mr.S.Kanmani Annamalai

For R - 1 : No appearance

For R - 2 : Mrs.J.Padmaavathi Devi,

Special Government Pleader.



2.W.A(MD)No.913 of 2014:-

The General Manager (Administrative),
Tamil Nadu Co-operative Housing Society Limited,
48, Ritherton Road,
Vepery,
Chennai - 600 007.

... Appellant/1st Respondent

Vs.

1.R.Baby

... 1st Respondent/Petitioner

2.The Secretary,
Arignar Anna Co-operative Housing
Society Limited, A-1432,
50/44-A Lal Bagadhur Shastri Road,
Kumbakonam,
Thanjavur District.

... 2nd Respondent/
2nd Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 12.06.2014 made in W.P(MD)No.7801 of 2013, on the file of this Court.

Prayer in WP(MD). 7801/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pursuant to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.29078/2012-13/ Tho.Aa.Pi.dated 14.3.13 quash the same as illegal and consequently directing the 1st respondent to release the petitioners original sale deed in respect of her house property within the time stipulated by this Honourable Court.

For Appellant: Mr.S.Kanmani Annamalai
For R - 1 : Mr.D.Selvanayagam
For R - 2 : Mrs.J.Padmaavathi Devi,
Special Government Pleader.

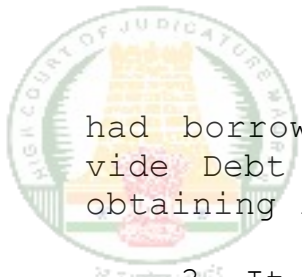
COMMON JUDGMENT

(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)

These writ appeals are directed as against the order, dated 12.06.2014 passed in W.P(MD)Nos.7800 and 7801 of 2013, wherein the appellant/first respondent was directed to return the writ petitioners' original sale deed within a week.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The first respondent/writ petitioner in both the appeals



had borrowed a loan amount of Rs.1,50,000/- and Rs.2,00,000/-, vide Debt Account Nos.353 and 436 respectively. At the time of obtaining loans, original sale deeds were furnished as security.

3. It is stated that the said loans were discharged long back. After the discharge of the loan amounts, when the first respondent/writ petitioners requested to return the original sale deeds, it was rejected by the appellant/first respondent.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. When it was admitted that the first respondent/writ petitioners had discharged the entire loan amounts, the appellant/first respondent has no power to retain the said documents. However, it is now stated that the documents had been returned to the first respondent/writ petitioners on 10.04.2018, which had been acknowledged by the first respondent/writ petitioners and the photostat copies of the same have also been produced herein.

6. As the documents have already been handed over to the first respondent/writ petitioners, in compliance with the order passed by the learned Single Judge, these Writ Appeals are closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

The Secretary,
Arignar Anna Co-operative Housing
Society Limited, A-1432,
50/44-A Lal Bagadhur Shastri Road,
Kumbakonam,
Thanjavur District.

+ 1 CC TO MR.S.KANMANI ANNAMALAI, ADVOCATE IN SR NO.89598
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO. 90191

PS

BU/NM/SV/SAR-IV :13.11.2018 : 3P/4C