



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

CORAM:

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

W.A(MD)No.194 of 2013 and
M.P(MD)No.1 of 2013

The Secretary DD 563,
Palani 7B/10 Co-operative Housing Society Limited,
Subramaniapuram Salai,
Palani,
Dindigul District.

... Appellant/1st Respondent

Vs.

1. R.Jayanthilal

... 1st Respondent/Writ Petitioner

2. The Deputy Registrar,
Zonal Housing Society,
15-A, Main Road, K.K.Nagar,
Opposite to Tiruvalluvar Bus Depot,
Madurai - 20.

3. The Registrar,
Tamil Nadu Co-operative Society Limited,
Venkitasamy - Varitum Nilagam,
48, Rithattor Saalai,
Vepery, Chennai - 600 007.

... Respondents 2 & 3/
Respondents 2 & 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 08.01.2013 made in W.P(MD)No.16617 of 2012, on the file of this Court.

Prayer in WP(MD)No. 16617 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st respondent to return the documents filed by the petitioner pursuant to the discharge of mortgage dated 15.09.1994.

For Appellant

: Mr.R.R.Kannan

For R - 1

: Mr.R.Nanda Kumar

For RR 2 & 3

: Mr.J.Padmaavathi Devi,

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

Special Government Pleader.

**JUDGMENT**

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

This Writ Appeal is directed against the order dated 08.01.2013 passed in W.P(MD)No.16617 of 2012.

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2.In the said Writ Petition, the prayer was to issue a Writ of Mandamus to direct the first respondent to return the documents filed by the petitioner pursuant to the discharge of mortgage, dated 15.09.1994.

3.The learned Single Judge had directed the appellant/first respondent to return the document to the first respondent/writ petitioner, as he had discharged the mortgage by paying the entire amount. The said order was challenged in the Writ Appeal by the appellant/first respondent.

4.It is now stated that as early as on 14.12.2015, the appellant had handed over all the documents to the first respondent/writ petitioner. Hence, the Writ Appeal itself has become infructuous.

5.In view of the same, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Deputy Registrar,
Zonal Housing Society,
15-A, Main Road, K.K.Nagar,
Opposite to Tiruvalluvar Bus Depot,
Madurai - 20.
2. The Registrar,
Tamil Nadu Co-operative Society Limited,
Venkitasamy - Varitum Nilagam,
48, Rithattor Saalai,
Vepery, Chennai - 600 007.

- + 1 CC TO Mr.R.R.KANNAN, ADVOCATE IN SR No. 78364
- + 1 CC TO Mr.R.NANDA KUMAR, ADVOCATE IN SR No. 78451
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78426

PS

DS/SKN/SAR-1 : 04/09/2018 : 2P/6C

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W.A (MD) No.194 of 2013
13.08.2018