

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.5053 of 2019

N.Suresh

...Petitioner

Vs.

- 1.Joint Registrar of Co-Operative Societies,
Office of the Joint Registrar of Co-Operative Societies,
4th Floor, Collectorate Buildings,
Tiruppur.
- 2.Deputy Registrar of Co-Operative Societies,
Dharapuram Region,
Dharapuram.
- 3.The Special Officer,
Kongal Nagaram Primary Agricultural
Co-operative Credit Society,
Kongal Nagaram,
Madathukulam Taluk,
Tiruppur District.
- 4.The Inspector of Police,
Commercial Crime Investigation Wing (CCIW),
Coimbatore.

(R4 impleaded vide order dt 28.03.2019
made in WMP.No.9908/19 in WP.No.5053/19)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent made in Na.Ka.No.4007/2018/PA.A dated 13.12.2018 and quash the same and consequently direct the 1st respondent to issue suitable direction to the 3rd respondent to forthwith execute the discharge mortgage receipt in respect of the document No.3812/2010 document No.2922/2015 registered on the file of the Sub Registrar, Gomangalam and return the original documents within the stipulated time.

For petitioner : Mr.N.Umapathi

For R1 to R3 : Mr.D.Venkatachalam
Additional Government Pleader

For R4 : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government pleaders for the respondents.

2. The grievance of the petitioner herein is that he has availed loan from the 3rd respondent Society by mortgaging his title deed of the property. Despite discharging the loan and returned all the documents, the encumbrance of the Registrar Office has not been cancelled.

3. The learned Additional Government Pleader for the respondents would submit that due to grave malpractice and misuse of the funds by granting bogus loan, the 3rd respondent Society has become defunct and now brought under the control of Administrator. Further, a criminal case for misappropriation by disbursement of loan fraudulently is under investigation by the Commercial Crime Investigation Wing, Coimbatore. The 4th respondent who is investigating the offence is in the course of verifying the accounts and records. If there is no dues and no role in the crime by the petitioner herein, intimation will be given to the authorities regarding the discharge of mortgage. The 1st respondent has also informed this Court that the process of intimating the discharge of mortgage to the authorities will be done within a period of one month.

4. Recording the same, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Joint Registrar of Co-Operative Societies,
Office of the Joint Registrar of Co-Operative Societies,
4th Floor, Collectorate Buildings,
Tiruppur.

2.The Deputy Registrar of Co-Operative Societies,
Dharapuram Region,
Dharapuram.

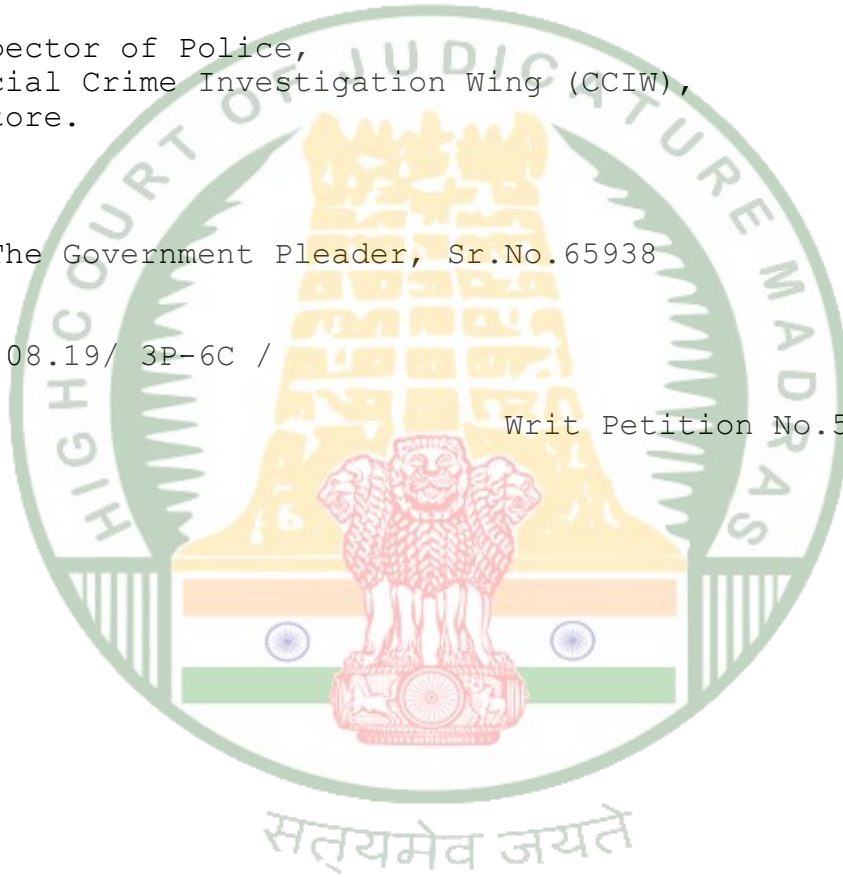
3.The Special Officer,
Kongal Nagaram Primary Agricultural
Co-operative Credit Society,
Kongal Nagaram,
Madathukulam Taluk,
Tiruppur District.

4.The Inspector of Police,
Commercial Crime Investigation Wing (CCIW),
Coimbatore.

+1 cc to The Government Pleader, Sr.No.65938

AKM/ 29.08.19/ 3P-6C /

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