

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.7736 of 2019

K.Selvadurai

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
The Secretary to Government
Department of Housing and Urban Development,
Fort St.George,
Chennai-600 009.
- 2.The General Manager (Administration)
O/o.The Registrar of Co-operative Societies (Housing),
Tamilnadu Co-operative Housing Federation,
No.50, Ritherdon Road,
Vepery,
Chennai-600007.
- 3.The Deputy Registrar (Housing)
O/o.The Deputy Registrar,
No.1/3107, Sri Ramalinga Adigalar Trust Building,
Daniel Thomas Nagar,
Old Housing Unit,
Thanjavur-613 007.
- 4.The Secretary,
Mayuram ZB-102-Co-operative Housing Society,
Mayiladuthurai,
Nagapattinam District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to cancel the Mortgage Deed in Document No.29/1999 dated 14.01.1999 registered with the office of the Joint Sub Registrar, Mayiladuthurai and to return the original of the petitioner's Settlement Deed in Document No.202/1998 dated 23.02.1998 based on the petitioner's latest representation dated 17.01.2019.

For petitioner	:	Mr.S.Sathiachandran
For Respondents	:	Mr.Kanmani Annamalai
		Standing counsel for R2
	:	Mr.D.Venkatachalam
		Addl.Govt.Pleader for R1,R3 & R4

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1, 3 & 4 and the learned Standing counsel for the 2nd respondent.

2. The case of the petitioner is that in the year 1999, the petitioner raised housing loan from the 4th respondent Society by mortgaging their title deed of his property. Even after discharging the loan, the 4th respondent Society has not returned the title deed and discharge certificate has not been issued by the 4th respondent.

3. Whereas, the learned Standing counsel appearing for the 2nd respondent and the learned Additional Government Pleader appearing for the 3rd respondent would submit that the 4th respondent Society has become defunct and therefore, the 3rd respondent was appointed as an Administrator to take care of administration of the Society. Any loan availed by the Members of the 4th respondent Society, if discharged, the procedure of returning the title deed as well as issuance of the discharge certificate involves process, wherein the Administrator has to intimate the 3rd respondent Deputy Registrar about the discharge of mortgaged loan and execute necessary discharge certificate. On such issuance of discharge certificate, the Federation will permit the administrator to return the document. The discharge of loan will be communicated to the authority for necessary endorsement.

4. Further, the learned Additional Government Pleader has also circulated the letter of the Sub-Registrar/liquidator of the Co-operative Society, Thanjavur to the General Manager, Co-operative Housing Federation, who is the 2nd respondent herein through Zonal Deputy Registrar (Housing) intimating that the petitioner Selvadurai has cleared his housing loan on 30.09.2013 and in view of the liquidation of the 4th respondent Society on 22.02.2018, the original document of the petitioner Selvadurai

shall be returned to the liquidator office for further proceedings.

5. Recording the said communication and the submissions made by the learned counsels, the respondents are directed to complete the process and handover the original document to the petitioner along with discharge certificate for necessary endorsement within a period of six weeks from the date of receipt of copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government, State of Tamilnadu,
Department of Housing and Urban Development,
Fort St.George, Chennai-600 009.
- 2.The General Manager (Administration)
O/o.The Registrar of Co-operative Societies (Housing),
Tamilnadu Co-operative Housing Federation,
No.50, Ritherdon Road, Vepery, Chennai-600007.
- 3.The Deputy Registrar (Housing), O/o.The Deputy Registrar,
No.1/3107, Sri Ramalinga Adigalar Trust Building,
Daniel Thomas Nagar, Old Housing Unit, Thanjavur-613 007.
- 4.The Secretary,
Mayuram ZB-102-Co-operative Housing Society,
Mayiladuthurai, Nagapattinam District.

+1 cc to Mr.S.Sathiachandran, Advocate Sr.No. 65604
+1 cc to Mr.S.Kanmani Annamalai, Advocate Sr.No.65557
+1 cc to The Government Pleader, Sr.No. 65939

Writ Petition No.7736 of 2019

AKM/ 27.08.19/ 3P- 8C /