

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.20052 of 2019

S.Subathra

...Petitioner

Vs

- 1.Joint Registrar of Co-Operative Societies,
Office of the Joint Registrar of Co-Operative Societies,
4th Floor, District Collectorate,
Tiruppur- 641 604.
- 2.Deputy Registrar of Co-Operative Societies,
Dharapuram circle,
Dharapuram- 638 656
Tiruppur District.
- 3.Co-Operative Sub-Registrar/ Field Officer,
Gudimangalam-642 201,
Udumalaipettai Taluk,
Tiruppur District.
- 4.K.797, Kongalnagaram Primary Agricultural
Co-Operative Credit Society,
Rep., by its Secretary,
Kongalnagaram,
Tiruppur District 642 205.
5. C.C.I.W. CID,
BY the Inspector of Police,
Coimbatore Rural,
Coimbatore

... 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 relating to the impugned letter of the 2nd respondent in Na.Ka.No.4007/2018/Pa.a dated 13.12.2018 wherein he has refused to cancel the mortgage deed dated 22.01.2009 registered as Document No.97 of 2009 in the office of the Sub-Registrar, Gomangalam, Tiruppur District, executed by the petitioner in favour of the 4th respondent quashing the same and consequently directing the 4th respondent society to cancel the mortgage deed dated 22.01.2009 registered as Document No.97 of 2009 in the office of the Sub-Registrar, Gomangalam, Tiruppur District to issue a registered receipt to the petitioner for the same.

For petitioner : Mr.K.Elango

For R1 to R4 : Mr.D.Venkatachalam

Additional Government Pleader

For R5 : Mr.N.Inbanathan

Additional Governmenr 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 she has availed loan from the 4th 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 1 to 4 would submit that due to grave malpractice and misuse of the funds by granting bogus loan, the 4th 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 5th 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, District Collectorate,
Tiruppur- 641 604.

2.The Deputy Registrar of Co-Operative Societies,
Dharapuram circle,
Dharapuram- 638 656
Tiruppur District.

3. The Co-Operative Sub-Registrar/ Field Officer,
Gudimangalam-642 201,
Udumalaipettai Taluk,
Tiruppur District.

4. The Secretary,
K.797, Kongalnagaram Primary Agricultural
Co-Operative Credit Society,
Kongalnagaram,
Tiruppur District 642 205.

5. The Inspector of Police,
C.C.I.W. CID,
Coimbatore Rural,
Coimbatore.

+1 cc to M/s.K.Elango,Advocate Sr.No. 65321

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AKM/29.08.19/ 3P-7C /



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