



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.26560 of 2019

C.Periya Muniyani,
S/o.Chellamuthu,
Kangeyanatham Village,
Thirumangalam Taluk,
Madurai Taluk.

... Petitioner

/versus/

1. The Managing Director,
Tamil Nadu Co-operative Housing Federation Ltd.,
No.48, Rithatan Raod, Veppery,
Purasawalkam, Chennai - 600 007.
2. The Secretary,
MDA HS 6 Thirumangalam,
Co-operative Housing Society Limited,
Thirumangalam, Madurai District.
3. The Deputy Registrar,
No.5, Baskaran Complex, 2nd Floor,
Besant Road, Chinna Chokkikulam,
Madurai - 625 002.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 1st respondent to return all the original Title Deeds in respect of Loan Account No.8/01-02 (Member No.1301) to me within the time stipulated, while considering the representation dated 06.08.2019.

For Petitioner : Mr.J.Harikrishna
For R1 : Mr.Kanmani Annamalai, Standing Counsel
For R2 : Mrs.T.Girija, Government Advocate
For R3 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The grievance of the petitioner is that, he availed mortgage loan of Rs.1,00,000/- from the 2nd respondent/Society and deposited the title deeds of his property in the year 2001, creating mortgage. In spite of discharging the loan, mortgage has not been discharged and title deed not returned by the 2nd respondent, in respect of several request. Hence, the present Writ Petition is filed to direct the 1st respondent to return all the original title deeds of the petitioner which are in the custody of the 1st respondent.

3. The Learned Counsel appearing for the 1st respondent submits that nearly Rs.3.8 crores is due and payable by the 2nd respondent/Society and therefore, the documents deposited with the 1st respondent are held by the 1st respondent in lieu of discharge of the loan amount. If the 2nd respondent pay the dues in toto, there is no impediment for the 1st respondent to return the documents of the petitioner.

4. The Learned Counsel appearing for the 2nd respondent submits that necessary steps are taken to discharge the loan availed from the federation (1st respondent) and as a special case, the President of the 2nd respondent/Society has already requested the 1st respondent vide letter dated 08.09.2018 to release the documents of the petitioner, since he has already cleared all his dues.

5. From the submission made by the counsels, this Court finds that though the petitioner has cleared all the loan amount as early as 2016 and endorsement has been made by the 2nd respondent to that effect, till date, the 2nd respondent has not taken serious efforts to release the title deeds of the petitioner which is presently in custody of the 1st respondent. In spite of several representation from the petitioner for no valuable reason, the 2nd respondent has not taken measures to return the documents of the petitioner, in respect of more than 3 years, after clearing the loan.

6. Hence, the Writ Petition is Allowed. The 2nd respondent shall negotiate with the 1st respondent and get back the documents of the petitioner and return the same, within a period of eight weeks, from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

To, Sub Assistant Registrar

1. The Managing Director,
Tamil Nadu Co-operative Housing Federation Ltd.,
No.48, Rithatan Raod, Veppery,
Purasawalkam, Chennai - 600 007.
2. The Deputy Registrar,
No.5, Baskaran Complex, 2nd Floor,
Besant Road, Chinna Chokkikulam,
Madurai - 625 002.
3. The Secretary,
MDA HS 6 Thirumangalam,
Co-operative Housing Society Limited,
Thirumangalam, Madurai District.

+1cc to M/s.T.Girija, Advocate sr.92147
+1cc to M/s.J.Harikrishna, Advocate sr.92025
+1cc to Special Government Pleader SR.NO. 92450
+1cc to Mr.Kanmani Annamalai, Advocate sr.92744(15/11/2019)

W.P.No.26560 of 2019

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