

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.34294 of 2018

1. Malarkodi
2. Silambarasi
3. Lakshmi

... Petitioners

Vs.

1. The Managing Director,
Tamilnadu Housing Federation,
No.48, Rithasan Road,
Veppery, Chennai - 7
 2. The Deputy Registrar of
Co-operative Societies (Housing),
Fair lands, Salem - 16.
 3. K.K.128, Mettur Industrial Employees
Co-operative Industrial Housing Society Ltd.,
rep. by its Secretary,
Pudhusampalli, Ramnagar post,
Mettur Dam- 3.
- Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to return the original documents i.e. original patta dated 26.02.1993 and other documents in respect of S.No.57/1 part measuring 0.0104.0 sq.mtr., Kolathur Village, Mettur Taluk, Salem District.

For Petitioner : Mr. M.S.Palaniswamy

For Respondents : Mr. Kanmani Annamalai,
Government Advocate,
for R1
: Mr. L.P.Shanmugasundaram,
Special Government Pleader
for R2 & R3

O R D E R

This writ petition has been filed seeking a direction to the respondents to return the original documents deposited with the respondents 1 and 3.

2. According to the petitioners, they have obtained a loan from the third respondent Housing Society by mortgaging the property and also depositing the title deed. In the year 2012, they discharged the entire loan to the third respondent, but so far, the title deeds deposited by the petitioners were not handed over to the petitioners. Hence, the present writ petition has been filed.

3. Mr. L.P. Shanmugasundaram, learned Special Government Pleader, appearing for the respondents 2 and 3, on instructions, submitted that now the first respondent advanced loan to the third respondent, in turn, the third respondent has given Housing Loan to the members. Even though the third respondent society received the loan amount from the members, they have not repaid the loan to the first respondent society and huge amount is due to the first respondent. In the said circumstances, the first respondent is keeping the documents with them.

4. I have heard both sides and perused the materials available on records carefully.

5. Admittedly, the petitioners obtained loan from the third respondent. Now, they have also discharged the entire loan amount in the year 2012 itself. In the said circumstances, now the first respondent cannot keep the document on the ground that the third respondent has to pay the loan amount to them. If at all the third respondent committed any default, it is for the first respondent to take appropriate proceedings against the third respondent to recover the amount, and for that reason, the first respondent cannot keep the petitioner's title deeds.

6. In the said circumstances, the respondents 1 and 3 are directed to return the original title deeds to the petitioner forthwith, and liberty is given to the first respondent to take appropriate proceedings against the third respondent, if they so desire. The first respondent is directed to hand over the original title deeds to the third respondent within a period of two weeks from the date of receipt of a copy of this order and thereafter, the third respondent is directed to hand over the title deeds forthwith to the petitioner.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Managing Director,
Tamilnadu Housing Federation,
No.48, Rithasan Road,
Veppery, Chennai - 7
2. The Deputy Registrar of
Co-operative Societies (Housing),
Fair lands, Salem - 16.

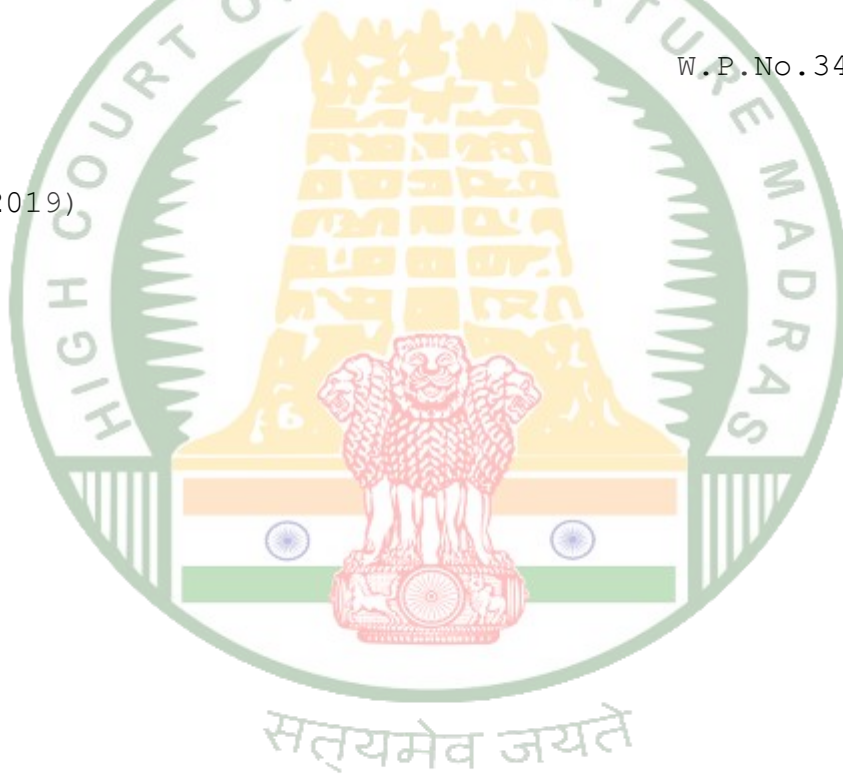
+1cc to Mr.T.Girija, Advocate, S.R.No. 9451

+1cc to Mr.S.Kanmani Annamalai, Advocate, S.R.No. 87307

+1cc to Mr.M.S.Palaniswamy, Advocate, S.R.No. 9385

W.P.No.34294 of 2018

RSI (CO)
GN(14/03/2019)



WEB COPY