

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.34430 of 2018

A.Vidya Prabha

...Petitioner

Vs

- 1.The Secretary,
K.K.361 Hosur Co-operative Housing Society Ltd.,
Old Telephone Office Road,
Hosur-635 109,
Krishnagiri District.
- 2.The Registrar of Co-operative Societies,
O/o.The Registrar of Co-operative Housing Society,
Co-operative Housing Society Building,
Ritherdon Road, Chennai-600 007.
- 3.The Deputy Registrar,
O/o.Deputy Registrar Co-operative Housing Society,
No.873, 1st Floor, Kankeyanallur Road,
Gandhi Nagar (East), Vellore-635 006.
- 4.The President,
K.K.361 Hosur Co-operative Housing Society Ltd.,
Old Telephone Office Road,
Hosur-635 109, Krishnagiri 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 return the original Gift deed dated 22.02.1996 registered as Doc.No.1155 of 1996 Book No.1, Volume No.1865, Pages 41 ro 43 of SRO Hosur and all other related original parent documents handed over to the Respondent No.1, consequent upon the petitioner having repaid and discharged the Housing loan availed from 1st respondent under loan Account No.678 (TNCHF D.V.No.5/97-98, to the petitioner within a time limit.

For petitioner : Mr.B.Harikrishnan

For Respondents : Mr.D.Venkatachalam

Addl.Govt.Pleader for Co-op

ORDER

The petitioner herein is before this Court seeking Mandamus to direct the respondents to return the Original Gift deed dated 22.02.1996 and other related documents handed over to the 1st respondent while availing the housing loan, since the petitioner has discharged the loan amount.

2. The learned counsel appearing for the 1st respondent Society would submit that the title deed and other documents of the petitioner is in the custody of the Federation. The 1st respondent Society has submitted those documents and availed advance loan from the Federation. Since the Society has failed to discharge the advance amount, the documents of the petitioner as well as 20 other members is held by the Federation. Since the petitioner has cleared all the dues, the Society is taking all efforts to get back the documents and hand over to the petitioner. In this regard, the Society passed a resolution on 12.07.2019, wherein, it has been resolved to get back all the documents of the 21 members, who have cleared the loan and to hand over the same to them. This process will atleast take eight weeks time for the Society to complete.

3. Taking into consideration of the above submission made by the learned Standing counsel for the 1st respondent, this court dispose the writ petition with a direction to the 1st respondent to act as expeditiously as possible on the Board resolution dated 12.07.2019 and follow up with the Administrator of the Tamil Nadu Co-operative Housing Federation to act on the resolution of the 1st respondent-Society and return the original documents of the petitioner within a period of eight weeks. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

rpl

To

- 1.The Secretary,
K.K.361 Hosur Co-operative Housing Society Ltd.,
Old Telephone Office Road,
Hosur-635 109,
Krishnagiri District.

WEB COPY

2.The Registrar of Co-operative Societies,
O/o.The Registrar of Co-operative Housing Society,
Co-operative Housing Society Building,
Ritherdon Road, Chennai-600 007.

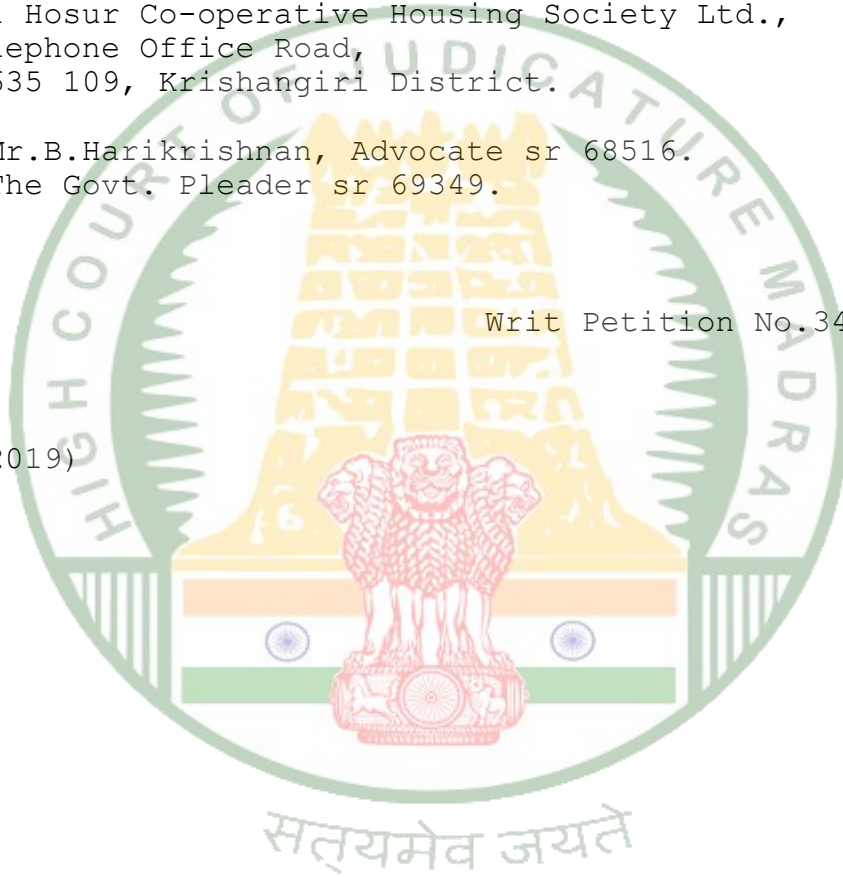
3.The Deputy Registrar,
O/o.Deputy Registrar Co-operative Housing Society,
No.873, 1st Floor, Kankeyanallur Road,
Gandhi Nagar (East), Vellore-635 006.

4.The President,
K.K.361 Hosur Co-operative Housing Society Ltd.,
Old Telephone Office Road,
Hosur-635 109, Krishangiri District.

+1 CC to Mr.B.Harikrishnan, Advocate sr 68516.
+1 CC to The Govt. Pleader sr 69349.

Writ Petition No.34430 of 2018

PM(CO)
SP(16/09/2019)



WEB COPY