



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.6281 of 2019

R.Mathi

... Petitioner

Vs

- 1.The Tamilnadu Co-operative Housing Federation,
No.8, Ritherdon Road,
Vepaery,
Chennai.
 - 2.The Joint Registrar of Co-operative Societies,
Office of Housing Co-operative Societies,
Chinnachokikulam,
Madurai.
 - 3.The Secretary,
D.D.301, Andipatty Co-operative Building society Ltd.,
Andipatty,
Theni Distirct.
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to return the petitioner's original sale deed which was mortgaged before the third respondent pursuant to loan obtained in loan account No.472 by considering petitioner's representation dated 14.01.2019 as earliest within a time frame fixed by this Court.

For Petitioner : Mr.J.Senthl Kumaraiah

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner is a member of the third respondent society. He had mortgaged his property and availed loan. The petitioner's case is that he had cleared the entire mortgage liability. He would produce a copy of the letter executed by the third respondent in this regard. But then, the complaint of the first respondent is that the third respondent has not remitted the amount said to have been paid by the writ petitioner. That is why the first respondent is declining to return the petitioner's title documents.



3.It is seen that there are factual disputes in this writ petition. It is only just and proper that the petitioner raises dispute under Section 90 of the Tamil Nadu Co-operative Societies Act, before the concerned authority. It is not possible for this Court to grant any relief in this writ petition.

4.Giving liberty to the petitioner to file a petition under Section 90 of the Tamil Nadu Co-operative Societies Act, this writ petition is closed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Tamilnadu Co-operative Housing Federation,
No.8, Ritherdon Road,
Vepaery,
Chennai.
- 2.The Joint Registrar of Co-operative Societies,
Office of Housing Co-operative Societies,
Chinnachokikulam,
Madurai.
- 3.The Secretary,
D.D.301, Andipatty Co-operative Building society Ltd.,
Andipatty,
Theni Distirct.

+1cc to Mr.J.SENTHIL KUMARAI AH, Advocate, SR.No.56676
+1cc to M/s.Special Government Pleader, SR.No. 57103

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