



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.7784 of 2019

M.Thangam

... Petitioner

**Vs.**

1.The Joint Registrar,  
Office of the Joint Registrar of Co-operative  
Societies, No.1, Meighnana Street,  
Tirunelveli District - 627 002.

2.The Deputy Registrar,  
Office of the Deputy Registrar of Co-operative  
Societies,  
6/60, 6<sup>th</sup> Cross Street, Perumalpuram,  
Tirunelveli District - 627 007.

3.The Managing Director,  
T.T.74, Tirunelveli Co-operative Primary  
Agricultural and Rural Development Bank,  
14, Tiruchendur Road, Murugankurichi,  
Palayamkottai,  
Tirunelveli District - 627 002.

... Respondents

**PRAYER:** Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to handover all the original documents to the petitioner mortgaged towards the Loan Number NFS281 on receipt of the entire dues stated in the letter of the 3<sup>rd</sup> respondent dated 25.01.2019.

For Petitioner : Mr.R.J.Karthick

For R1 and R2 : Mr.K.Mu.Muthu  
Additional Government Pleader

For R3 : Mr.M.Pandiarajan  
Additional Government Pleader

**ORDER**

Heard the learned counsel on either side.

2.It is seen that one Seenivasan availed loan from the third respondent Bank. The writ petitioner's husband V.Murugadoss stood as the guarantor. The borrower had committed default. The writ petitioner's husband passed away. Now, the petitioner is ready to liquidate the liability for redemption of mortgaged documents. The third respondent refused to permit the petitioner to do so and hence this writ petition is came to be filed.



3.The petitioner's husband was the owner of the property in question. He was the guarantor for the petition mentioned loan. He is now no more. When the petitioner is willing to redeem the same, the third respondent cannot have any objection. Therefore, the third respondent is directed to handover the documents in question to the writ petitioner herein on receipt of the entire dues immediately.

4.This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS )

Skm

To

- 1.The Joint Registrar,  
Office of the Joint Registrar of Co-operative  
Societies,  
No.1, Meighnana Street,  
Tirunelveli District - 627 002.
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Murugankurichi,  
Palayamkottai,  
Tirunelveli District - 627 002.

+1 CC to M/s.R.J.KARTHICK, Advocate ( SR-64494[F] dated 30/04/2019 )

+1 CC to M/s.SPL GP ( SR-64996[F] dated 02/05/2019 )

**W.P. (MD) No.7784 of 2019**  
**29.04.2019**

CS: (31/05/2019) 2P 6C