



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.7838 of 2019

Samsudeen

... Petitioner

Vs

1.The Registrar,
Tamil Nadu Co-Operative Housing
Federation Limited,
Venkatasamy Vaseegam Nilayam,
Door No.48, Ritherdon Road,
Veppery, Chennai 600 007.

2.The Deputy Registrar,
Tamil Nadu Co-Operative
Housing Federation Limited,
Venkatasamy Vaseegam Nilayam,
Door No.48, Ritherdon Road,
Veppery, Chennai 600 007.

3.The Secretary,
Tuticorin Taluk Co-operative
Housing Society Limited,
TNVHSG 33, Tuticorin.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to return the Petitioner's original documents of his property relating to the Loan Account No.112/05-06, on the basis of his representation dated 23.03.2019.

For Petitioner : Mr.A.Sheik Nasurdeen

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel on either side. The writ petitioner is a Senior Citizen. He had availed a loan from the third respondent Society by mortgaging his property. The writ petitioner has since cleared the loan account. But, the third respondent has not returned the petitioner's title documents that were mortgaged for the petition mentioned loan account. Therefore, this writ petition came to be filed.

2.When the matter was taken up for disposal, the learned Government Advocate appearing for the respondents pointed out that even though the petitioner has cleared the loan account, the documents are presently available with the Federation. The third respondent society has not cleared its liability with the Federation. It appears that there are some procedural difficulties for individually redeeming the property of the writ petitioner.



3.I am of the view that in such matters the Registrar of Co-operative Societies, Chennai will have to step in and grant relief to the writ petitioner. The first respondent can direct the federation to permit the third respondent to redeem the property of the writ petitioner alone. The first respondent shall pass appropriate orders on the writ petitioner's request dated 23.03.2019 and ensure that the petitioner is able to get back his documents. The first respondent shall pass appropriate directions to the third respondent society. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4.This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar(CS)

skm

To

1.The Registrar, Tamil Nadu Co-Operative Housing Federation Limited, Venkatasamy Vaseegam Nilayam, Door No.48, Ritherdon Road, Veppery, Chennai 600 007.

2.The Deputy Registrar, Tamil Nadu Co-Operative Housing Federation Limited, Venkatasamy Vaseegam Nilayam, Door No.48, Ritherdon Road, Veppery, Chennai 600 007.

3.The Secretary, Tuticorin Taluk Co-operative Housing Society Limited, TNVHSG 33, Tuticorin.

+1 CC to M/s.A.SHEIK NASURDEEN, Advocate, SR-64401.

+1 CC to SPL GP SR-64710.

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