



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD) No.1127 of 2019

F.Thomas

... Petitioner

vs.

1.The Special Officer,  
Tamil Nadu Cooperative Housing Federation Ltd.,  
48, Retherdan Road,  
Veppari, Chennai - 7.

2.The Secretary,  
Padmanabhapuram Cooperative Housing Society Ltd.,  
Thuckalay Post,  
Kanyakumar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to return the original sale deed dated 15-11-1993 bearing document No.2390/93 executed in favour of the respondent on 08-02-1999 by considering the representation of the petitioner dated 10-01-2019 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Rajarajan  
Government Advocate

### **O R D E R**

This Writ Petition is filed seeking direction to the respondents to return the original sale deed dated 15.11.1993, bearing document No.2390/93, executed in favour of the second respondent on 08.02.1999.

2.The petitioner mortgaged his property situated in old Survey No.425C, Re Survey No.A2/19-4, Kalkulam Village, Kanyakumari District, admeasuring to an extent of 7 cents for a sum of Rs.70,000/- and settled the entire loan amount on 04.07.2017 by way of one time settlement scheme offered by the respondents. In order to be sought for return of the original documents from the



first respondent. Since the documents were not returned, the petitioner is before this Court.

3. On instructions, Mr.M.Rajarajan, the learned Government Advocate appearing for the respondents would submit that the documents are deposited with the Managing Director, Tamil Nadu Cooperative Housing Federation, Chennai, by memorandum dated 11.06.2017, 10.11.2017 and 01.12.2019. The Joint Registrar (Housing), Tirunelveli, requested the Managing Director, Tamil Nadu Cooperative Housing Federation, Chennai to return the documents to the petitioner as he settled the entire loan amount. Since, the Tamil Nadu Cooperative Housing Federation, Chennai has not returned the documents, the respondents are not in a position to return the documents to the petitioner in turn.

4. Considering the facts and circumstances of the case, a direction is issued to the Managing Director, Tamil Nadu Cooperative Housing Federation, Chennai to return the petitioner's document, registered in respect of his property in old Survey No.425C, Re Survey No.A2/19-4, Kalkulam Village, Kanyakumari District, admeasuring to an extent of 7 cents, bearing document No.2390/93, dated 08.02.1999, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

6. Post the matter on **17.10.2019** for reporting compliance.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Special Officer,  
Tamil Nadu Cooperative Housing Federation Ltd.,  
48, Retherdan Road,  
Veppari, Chennai - 7.
2. The Secretary,  
Padmanabhapuram Cooperative Housing Society Ltd.,  
Thuckalay Post,  
Kanyakumar District.



3.The Managing Director,  
Tamil Nadu Cooperative Housing Federation,  
Chennai.

**Copy to:**

The Section Officer,  
Writ Section,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C.HEROLD, Advocate ( SR-86620[F] dated 13/09/2019 )

+1 CC to M/s.SPL GP ( SR-86933[F] dated 16/09/2019 )

W.P(MD) No.1127 of 2019  
13.09.2019

mj

JMN(20.09.2019) 3P : 7C