



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.19915 of 2019

WEB COPY

S.Sakthivel

... Petitioner

/Vs./

1.The Registrar,
Co-operative Housing Society,
No.4, Ritherdon Road, Vepperi,
Periyamet, Chennai-07.

2.The Deputy Registrar,
Co-operative Housing Society,
Chinna Chokkikulam,
Madurai District-02.

3.The Secretary,
M.D.H.S.G.124, Madurai District All Co-operative Company
Employee and Public Service,
Co-operative Housing Society, Kaalavasal,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to release the original sale deed in (Document No.1529/2007 dated 20.02.2007 registered as District Registrar Office, Madurai South) along with Mother Documents which was given as security for the Mortgage Loan No.101 within the time stipulated by this Court.

For Petitioner : Mr.L.Pinaygash

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Mr.L.Pinaygash, learned counsel on record for writ petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader, on behalf of all three respondents are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 29.08.2019 wherein writ petitioner has *inter alia* sought release of documents given as security for loan availed.



4. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 29.08.2019, details of which have been alluded to supra.

5. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 29.08.2019 made by the writ petitioner (page Nos.47 and 48 of the typed set of papers forming part of the case file).

6. The aforesaid representation dated 29.08.2019 shall be disposed of by the first respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

8. The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Registrar,
Co-operative Housing Society,
No.4, Ritherdon Road, Vepperi,
Chennai-07.

<https://hcservices.cemiln/hcservices>



2.The Deputy Registrar,
Co-operative Housing Society,
Chinna Chokkikulam,
Madurai District-02.

WEB COPY

3.The Secretary,
M.D.H.S.G.124, Madurai District All Co-operative Company
Employee and Public Service,
Co-operative Housing Society, Kaalavasal,
Madurai District.

+1 CC to Mr.I.PINAYGASH, Advocate (SR-88747[F] dated 24/09/2019)

+1 CC to spl.GP (SR-89033[F] dated 24/09/2019)

Order made in
W.P(MD)No.19915 of 2019
Dated:23.09.2019

RMI

MK (09.10.2019) 3P 6C