



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.24599 of 2019

WEB COPY

K.Chandran

... Petitioner

vs.

1.The Additional Registrar/Managing Director,
Co-operative Housing Federation,
48, Ritherdon Road,
Vepery, Chennai.

2.The Secretary,
The Poovancode Co-operative Housing Society Limited,
No.Y 251,
Verkilambi,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to return the original sale deed and other documents of the petitioner which was submitted before the 2nd respondent at the time of borrowing loan under loan No.1120.

For Petitioner : Mr.S.Mahalakshmi

For Respondents : Mr.J.Gunaseelan Muthaiah

Additional Government Pleader for R-1

Mr.Thiyagarajan, for R-2

O R D E R

Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader takes notice on behalf of the first respondent and Mr.Thiyagarajan, learned counsel takes notice on behalf of the second respondent.

2.By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3.The petitioner files this writ petition for issuance of a direction, directing the respondents to return the original sale deed and other documents of the petitioner which was submitted before the 2nd respondent at the time of borrowing loan under loan No.1120.

4.According to the petitioner, he borrowed a sum of Rs.80,000/- as loan for construction of house. Periodically, he repaid the amount and the second respondent has also issued 'No Due'



Certificate. Now that, the petitioner seeks return of original documents.

5.The learned counsel appearing for the second respondent, on instructions, would submit that the documents are deposited with the first respondent and as and when, it is returned, they will give it to the petitioner. Further, the second respondent seeks six months time to return the documents.

6.Considering the fact that the petitioner has already cleared the entire loan and the second respondent has also consented for return of documents, as and when they receive it from the first respondent, a direction is given to the first respondent to return all the documents to the second respondent, within a period of four weeks from the date of receipt of a copy of this order. It is pertinent to note that the Government in G.O.(2D).No.167, Housing and Urban Development (HCS.1) Department, dated 08.11.2019 had issued directions to release the documents. The first respondent shall comply with the directions given by the Government in the above said G.O to enable the second respondent to return the documents to the original owners.

7.Accordingly, the writ petition is disposed of with the above direction. No costs.

8.Post the writ petition 'for compliance' on 17.12.2019

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

VS

To:

The Additional Registrar/Managing Director,
Co-operative Housing Federation,
48, Ritherdon Road,
Vepery, Chennai.

Copy to:

The Section Officer, (Writ Section),
Madurai Bench of Madras High Court, Madurai
(To list the matter on 17/11/2019)

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-20818[I] dated
28/11/2019)

W.P. (MD) No.24599 of 2019

26.11.2019

MK (09.12.2019) 2P 4C

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