

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Fourth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CONT P(MD) No.1118 of 2018

P.PALANI

... PETITIONER/PETITIONER

Vs

1 K.M.VELLIANGIRI
REGISTRAR,
TAMIL NADU, CO-OP. HOUSING FEDERATION,
NO.493, ANNA SALAI, NANDANAM,
CHENNAI-35.

2 GOVINDARAJAN
DEPUTY REGISTRAR,
ARTAMILNADU CO-OP. HOUSING FEDERATION,
VANNARPETTAI, TIRUNELVELI.

3 RAMRAIJI
SECRETARY (IN-CHARGE),
GANDHI NAGAR,
CO-OP. HOUSING SOCIETY LTD.,
(O.2053), PALAYAPETTAI,
TIRUNELVELI.

....CONTOMNERS/RESPONDENTS 1 TO 3

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to punish the Contemnors/Respondents herein for wilful disobedience of the order dated 16/06/2017 passed in Writ Petition in WP(MD). No.8437 of 2016.

PRAYER IN WP(MD). No.8437 of 2016:

To issue a Writ of Mandamus, directing the respondents to return back the petitioner s original document in respect of the petitioner s property in House Plot No.9, T.S.No.1772, Block No.16, Ward No.44, Tirunelveli Corporation and kept under the custody of the 3rd respondent.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.R.A.RAMACHADHRAN, Advocate for the petitioner, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>

This Court by order, dated 27.04.2019, directed the respondents to appear before this Court on 04.06.2019.

2.Since the first respondent has retired and the second respondent is transferred to some other station, the present incumbents of the office are present before this Court today.

3.The learned Additional Government Pleader on instructions submitted that the original documents that were handed over to the Bank was lost due to the flood in the month of December 2015 and that many documents pertaining to the office of the second respondent could not be traced. Though the submission was not acceptable immediately, having regard to the documents produced now before this Court, I am inclined to accept the report submitted by the Managing Director of Tamilnadu Co-operative Housing Federation Limited and the Government order passed in G.O.Ms.No.120, dated 07.12.2015. This Court *prima facie* convinced that the contention of the respondent can be accepted. Since this Court is convinced that the documents could not be produced or furnished to the petitioner for reasons beyond their control, this Court is convinced that there is no wilful disobedience. Hence, the presence of respondents in future is dispensed with. However, the respondents are directed to issue proper certificate through the competent authority to the effect that the original document deposited by the petitioner to the second respondent is lost, so that the certificate will be useful to the petitioner to enable him to deal with the property as per his wish.

4.Post the matter after two weeks.

sd/-

04/06/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

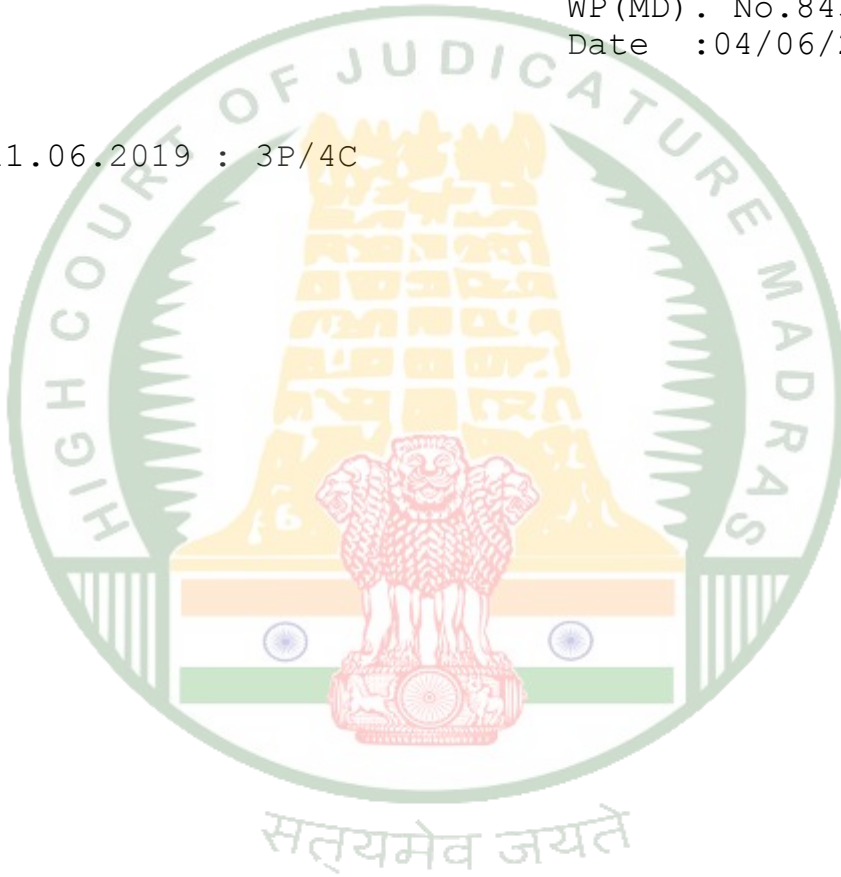
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ORDER
IN
CONT P (MD) No.1118 of 2018
IN
WP (MD) . No.8437 of 2016
Date :04/06/2019

TM
PK/JC/SAR-2/11.06.2019 : 3P/4C



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