



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.3358 of 2018

K.Kumaresan

... Petitioner

Vs.

1.The Registrar,
Co-operative Housing Societies,
No.48, Ritherdon Road,
Veppary, Chennai-600 007.

2.The Deputy Registrar,
Tamil Nadu Co-operative Housing Societies,
Madurai Region, Madurai.

3.The General Manager,
Tamil Nadu Co-operative Housing Societies
No.48, Ritherdon Road,
Veppary, Chennai-600 007.

4.The Assistant General Manager,
Tamil Nadu Co-operative Housing Societies,
Post Box No.486, No.48, Ritherdon Road,
Veppary, Chennai-600 007.

5.The Secretary,
G.H.54, Southern Railway Employee,
and Public Service Co-operative Housing Society,
Tallakulam, Madurai. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to conduct the enquiry based on the petitioner's representation dated 25.09.2017 and consequently, direct the fifth respondent to cancel the registered mortgage deed in Document No.1612/2000 and return the original parent document No.197/1984 and other necessary documents, within the stipulated time.

For Petitioner : Mr.A.Anandan
For Respondents : Mr.M.Murugan,
Government Advocate

ORDER

This writ petition is filed to direct the respondents 1 to 4 to conduct the enquiry, based on the petitioner's representation dated 25.09.2017 and consequently, direct the fifth respondent to



return the original parent document No.197/1984 and other necessary documents.

2.Heard Mr.A.Anandan, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.According to the petitioner, the property in Survey No.14/1 situated at Maniyanji Village, was originally belonged to the petitioner's father, through a registered document. After the demise of his father, the petitioner is in possession and enjoyment of the same. In order to obtain loan for the construction of a concrete house in the said land, he approached the office of the fifth respondent. The then Secretary has instructed the petitioner to execute a register mortgage deed in favour of the fifth respondent. Therefore, the petitioner and his wife jointly executed the registered mortgage deed in favour of the fifth respondent. After the said registration, the fifth respondent has received the original parent document in Doc.No.197/1984. Thereafter, the fifth respondent did not pay any amount to the petitioner. In this regard, the petitioner has made a representation dated 25.09.2017 to the respondents 1 to 4. Since no action has been taken, the petitioner is before this Court.

4.The learned Government Advocate appearing for the respondents submitted that the first respondent has sanctioned the loan amount to the petitioner. But, the said loan amount was not paid to the petitioner.

5.Considering the limited scope of the prayer, this Court directs the third and fourth respondents to consider the petitioner's representation dated 25.09.2017 and pass appropriate orders on merits and in accordance with law, after serving notice to the petitioner as well as the interested parties if any, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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+1 CC to SGP (SR-17390[F] dated 18/09/2020)

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SE(CO)
KM (29.09.2020) 3P 7C