



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.19008 of 2020

S.Raj Prabu

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Co-operative Housing Federation Limited,
48, Ritherdon Road, Vepary, Chennai-7.
2. The Secretary,
No.A 1055, Madurai Urban Co-operative
Building Society Limited, Plot No.32, Anna Nagar,
Madurai-20.
3. The Sub Registrar of Tallakulam,
TNAU Nagar,
Rajakampeeram, Madurai-625 107.
4. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Plot No.576/4, E.B. Colony,
Chettinayakanpatty Junction,
Trichy Bye-pass Road,
Dindigul-624 004.

... Respondents

(Respondent No.4 suo motu impleaded as per order of this Court dated 29.06.2021 in W.P.(MD).No.19008 of 2020)

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to return the original sale deed, dated 05.04.1999 and other documents pertaining to the property of Model House, in Re.S.No.152-1A Part, LIG Colony, K.K.Nagar, Madurai-625 020, to the petitioner without any further delay and cancel the entry of mortgage with possession in No.953/1999 regarding the same property in the office of the third respondent as the loan was discharged on 12.12.2011.

For Petitioner : Mr.K.K.Kannan

For R-1 : Mr.Kanmani Annamalai

For R-3 & R-4 : Mr.R.Suresh Kumar
Government Advocate

ORDER

The Deputy Superintendent of Police, Vigilance and Anti-Corruption, Plot No.576/4, E.B. Colony, Chettinayakanpatty Junction,

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



Trichy Bye-pass Road, Dindigul-624 004, is suo motu impleaded as fourth respondent in this Writ Petition. Mr.R.Suresh Kumar, learned Government Advocate takes notice for the newly impleaded fourth respondent.

2. This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to return the original sale deed, dated 05.04.1999 and other documents pertaining to the subject property.

3. Heard Mr.K.K.Kannan, learned counsel appearing for the petitioner and Mr.Kanmani Annamalai, learned counsel appearing for the first respondent and Mr.R.Suresh Kumar, learned Government Advocate appearing on behalf of the third and fourth respondents.

4. The learned Government Advocate appearing on behalf of the respondents 3 and 4 submitted that the father of the petitioner was involved in a criminal case and investigation was conducted by the fourth respondent. During the course of investigation, the father of the petitioner expired and hence, the criminal proceedings abated insofar as the father of the petitioner is concerned.

5. The learned counsel appearing for the petitioner submitted that the entire amount has been settled and the loan was discharged and the same is borne out by the passbook and the entry made on 12.12.2011. Therefore, the petitioner is seeking for the return of the documents.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the loan has been discharged and the criminal proceedings against the father of the petitioner has abated, there shall be a direction to the impleaded fourth respondent to hand over the documents pertaining to the subject property to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the fourth respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the first respondent.

8. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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

1.The Sub Registrar of Tallakulam,
TNAU Nagar,
Rajakampeeram, Madurai-625 107.

2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Plot No.576/4, E.B. Colony,
Chettinayakanpatty Junction,
Trichy Bye-pass Road,
Dindigul-624 004.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-20629[F] dated 30/06/2021)
+1 CC to M/s.SPL GP (SR-20752[F] dated 30/06/2021)

W.P. (MD) .No.19008 of 2020

29.06.2021

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KK(09.07.2021) 3P 5C