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W.P.No.28063 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.10.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.28063 of 2022

S.Vasudevan

... Petitioner

Vs

1.The Registrar of Co-Operative Societies,
170, NV Natarajan Maaligai,
Poonamalle High Road,
Kilpauk, Chennai - 600 010.

2.The Manager,
Purasaiwalkam Co-Operative Bank Limited,
No.227, Purasaiwalkam High Road,
Chennai - 600 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to hand over the petitioner's original title deeds i.e. the partition deed dated 15.12.1983 in document No.2204 of 1983 and also the parent document that was given to the Purasaiwalkam Co-Operative Bank Limited Number 10700 for the mortgage loan number 3685 dated 07.05.2001 and which was fully discharged on 11.06.2009 and as per the petitioner's representation dated 23.05.2022 and 16.07.2022 under Section 90(1) of the Co-Operative Societies Act, 1983.

For Petitioner : Mrs.Vijayakumari Natarajan

For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader - R1



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W.P.No.28063 of 2022

Mr.D.Gopal
Government Advocate - R2

ORDER

Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for R1 and Mr.D.Gopal, learned Government Advocate accepts notice for R2 and both are armed with instructions to enable a final disposal of this matter. Hence, with consent of all the parties, this Writ Petition is disposed finally even at the stage of admission.

2.The petitioner seeks a mandamus directing the respondent to handover the original deeds, being partition deed dated 15.12.1983 in document No.2204 of 1983 as well as the parent documents in relation to the property at Door No.112/2 Patel Road, Perambur in R.S.No.440/60 and bearing Patta R.S.No.440/230 in PeramburPurasiwalkam Taluk, Chennai – 600 011 (property in question).

3.The aforesaid property has been mortgaged by the father of the petitioner, one V.L.Santhana Krishnan, for a loan availed by him on 07.05.2001. According to the petitioner, the loan has been settled and he is entitled to the return of the documents. He has filed two representations dated 23.05.2022 and 16.07.2022 in terms of Section 90(1) of the Co-operative Societies Act, 1983 (in short 'Act').



W.P.No.28063 of 2022

4.The prayer in those representations is also for return of the documents under threat of legal action. In conclusion, he refers to the delay on the part of the authorities in returning the documents for the consideration of the Registrar of the Co-operative Societies, arrayed as R1 and for a decision by him.

5.Learned counsel who accepts notice for the respondents would accede to the suggestion of the Court that the representations of the petitioner must be considered and disposed at the earliest. They, however, bring to the note of the Court certain civil disputes that are stated to be pending as against the petitioner and his siblings in relation to the same property.

6.Thus, while issuing mandamus and directing R1 to dispose representations dated 23.05.2022 and 16.07.2022, R1 is also directed to issue notice to the petitioner and his siblings and any other legal heirs of the deceased V.L.Santhana Krishnan, hear them, take note of the civil proceedings and pass an order in accordance with law as well as all other applicable rules and regulations, within a period of six (6) weeks from date of receipt of a copy of this order.

7.This writ petition is disposed as above. No costs.

20.10.2022

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Index : Yes / No

Speaking Order / Non Speaking Order



WEB COPY



W.P.No.28063 of 2022

Dr.ANITA SUMANTH, J.

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To

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