



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.8234 of 2022

and

W.M.P. (MD) No.6136 of 2022

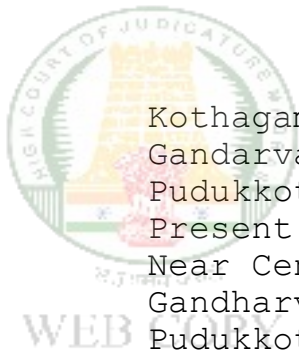
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A.Sarasu

... Petitioner

Vs

- 1.The Government of Tamil Nadu,
represented by its Secretary,
Department of Housing and Rural Development,
Secretariat,
St.Jorge Fort,
Chennai 600 009.
- 2.The Registrar, (IAS Rank),
Tamil Nadu Co-operative Housing Societies (Housing),
No.22, 4th Main Road,
Gandhi Nagar, Adayar,
Chennai 600 020.
- 3.The Special Officer,
Tamil Nadu Co-operative Housing Society,
No.18, Ramanathan Street,
T.Nagar,
Chennai 600 017.
- 4.The Tamil Nadu State Co-operative Bank Limited,
represented by its Chairman,
No.4, (Old No.223), Nethaji Subhash Chandra Bose Road,
Chennai 600 001.
- 5.The Regional Deputy Registrar (Housing),
The Office of Co-operative Regional Deputy Registrar (Housing),
Tamil Nadu Co-operative Housing Development,
No.16/3, Samath School Street,
Khaja Nagar,
Mannarpuram,
Tiruchirappalli District.
- 6.The Deputy Registrar,
The Office of Deputy Registrar of Co-operative Department,
District Collector Office Campus,
Pudukkottai District 622 004.
- 7.The Secretary,
Gandharvakkottai Taluk Co-operative Housing
Development Society Limited, No.TRY-HSG-37,
(Old Address: Chinna Arisikaara Street,



Kothagam Road,
Gandarvakkottai Taluk,
Pudukkottai District)
Present Address: Periyakadaiveethi,
Near Central Bank,
Gandharvakkottai Taluk,
Pudukkottai District 613 301.

8.The Special Officer,
The Pudukkottai District Central Co-operative Bank Limited,
No.823/824, Ramabhavanam,
East Main Road,
Pudukkottai District.

9.The Branch Manager,
Pudukkottai District Central Co-operative Bank Limited,
Gandharvakkottai Branch,
Gandharvakkottai-Pudukkottai Main Road,
Gandharvakkottai Taluk,
Pudukkottai District 613 301.

10.V.Durairaj

11.The Managing Director,
Tamil Nadu Co-operative Housing Federation,
48, Ritherdon, Vepery,
Chennai.

(R11 has been *suo motu* impleaded
by this Court vide order dated 06.06.2022)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2, 3, 5 and 7 to release original registered sale deed No.34/2000 dated 18.11.1999 belongs to the petitioner based on the registered mortgaged discharge receipt No.500/2020 dated 06.05.2020 vide Document No. TP/90066858/2020 and on the No Due Certificate dated 20.12.2020 issued by 7th respondent relating to her loan No.181/2000-2001 and also directing the respondents 2, 3, 5, 7 and 10 to provide her compensation of Rs.5,00,000/- (Rupees Five Lakhs Only) by considering petitioner's representation dated 15.04.2022.

For Petitioner
For R1 to R9 & R11

: Mr.R.Suresh Kumar
: Mr.M.Senthil Ayyanar
Government Advocate



ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 to 9 and 11.

2.The petitioner purchased the petition mentioned property, vide sale deed No.34/2000 dated 18.11.1999. The said property was mortgaged in favour of the 7th respondent for availing housing loan of Rs.1,00,000/-. The specific stand of the petitioner is that the said liability has been cleared and the 7th respondent has also issued the necessary discharge certificate. The discharge certificate has also been registered. 'No Objection Certificate' has also been issued. These documents have been enclosed in the typed set of papers.

3.It is now seen that the 7th respondent has refinancing arrangement with the impleaded 11th respondent. That is how the document mortgaged by the petitioner had gone to the hands of the impleaded respondent. But once the mortgage has been cleared by the petitioner, she is entitled to the release of her document. It is not open to the 7th respondent or even the impleaded respondent to retain the same. Realizing this factual position, the 11th respondent has instructed the learned Government Advocate that he would hand over the document to the petitioner herein.

4.The 11th respondent is directed to hand over the petitioner's original sale deed No.34/2000 dated 18.11.1999 at the earliest to the 6th respondent. The petitioner shall approach the 6th respondent on 08.07.2022. On the said date, the 6th respondent shall hand over the petition mentioned document to the petitioner after obtaining due acknowledgment from her.

5.The writ petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

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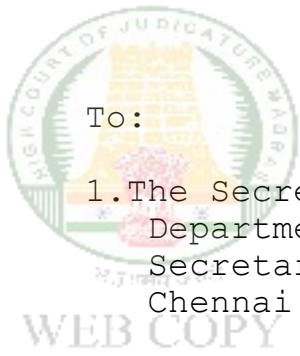
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Sub Assistant Registrar(CS)

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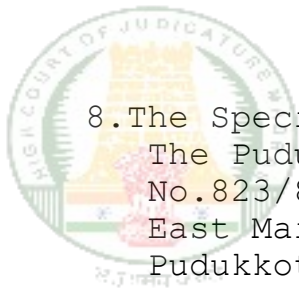
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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



To:

- 1.The Secretary,
Department of Housing and Rural Development,
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Chennai 600 009.
- 2.The Registrar, (IAS Rank),
Tamil Nadu Co-operative Housing Societies (Housing),
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10.The Managing Director,
Tamil Nadu Co-operative Housing Federation,
48, Ritherdon, Vepery,
Chennai.

+1 CC to M/s.SPL.GP (SR-24401[F] dated 07/06/2022)

+1 CC to M/s.R.SURESH KUMAR, Advocate (SR-24529[F] dated 08/06/2022)

W.P. (MD) No.8234 of 2022
06.06.2022

GM(CO)
KB(15.06.2022) 5P 13 C