



W.P(MD)No.8820 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8820 of 2019

A.Amuthan

... Petitioner

Vs.

1.The Registrar (Housing),
Cooperative Housing Society,
No.40, Ritherdon Road,
Vepary, Chennai-600 007.

2.The Managing Director,
Tamil Nadu Co-operative Housing Federation Ltd.,
No.48, Ritherdon Road,
Vepary, Chennai-600 007.

3.The Deputy Registrar (Housing),
Virudhunagar Region,
No.3 DD Road, Maninagaram,
Virudhunagar District.

4.The President,
Q796. Sivakasi Co-operative Building Society Ltd.,
No.103/J.Kamarajar Salai,
Railway Feeder Road,
Sivakasi, Virudhunagar District-626 123.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd and 4th



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respondents to return back the petitioner's Original Documents No. 1794/2000 and 1483/1993 and two Xerox copy of the sale deed No.2017/1964, No. 2519/2965 to him, in lieu of the entire loan amount with interest was fully paid by him on 10.03.2014.

For Petitioner : Mr.M.Govindaraj
for Mr.A.Rahul

For R1, R3 &R4 : Mr.N.Ramesh Arumugam
Government Advocate

For R2 : Mrs.S.Kanmani Annamalai

ORDER

Heard the learned counsel on either side.

2. The petitioner was the secretary of the fourth respondent society. He availed loan. He claims that he had cleared the entire loan. However, the amount deducted from the petitioner's salary was not credited to the federation. The documents are now with the federation.

3. Even though technically the petitioner's loan has been cleared, when the second respondent has not got back the dues, it may not be open to this Court to direct the federation in these proceedings to return the document. In a case of this nature, it is only the authority under Section 90 of the Tamil Nadu Corporative Societies Act to go into the issue. Leaving open the contentions of



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both the parties, I grant liberty to the petitioner to file a petition under Section 90 of the Act. If the petition is filed, the same will be disposed of on merits and in accordance with law within a period of four months thereafter.

4. With this liberty to the petitioner and direction to the authority concerned, the Writ Petition is disposed of. No costs.

12.12.2022

Index : Yes / No
Internet : Yes/ No
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To

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No.40, Ritherdon Road,
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- 2.The Deputy Registrar (Housing),
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G.R.SWAMINATHAN, J.

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