



WP(MD)No.17380 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.17380 of 2022
and
WMP(MD)No.12666 of 2022

U.Kannan

... Petitioner

/vs./

1.The Director of Vigilance and Anti Corruption,
Alandur, Chennai – 600 016.

2.The District Collector,
Tuticorin District,
Tuticorin.

3.The Superintendent of Police,
Coastal Security Group,
Nagapattinam @ Chennai,
Chennai – 600 004.

4.The Superintendent of Police,
Tuticorin District,
Tuticorin.

5.Subramanian,
M2 Section Superintendent,
Office of the Superintendent of Police,
Tuticorin District,
Tuticorin.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings Na.Ka.No. A2/1979/Ka.Paa.Ku/2021 dated 12.05.2022 of the third respondent and quash the same and consequently direct the respondents to initiate appropriate legal action against the fifth respondent based on the petitioner's complaint 23.05.2022 given to the first respondent and also to return the originals of the title deeds submitted by the petitioner for availing housing loan with them.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader (for R1 to R4)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing.

2.To the housing loan availed by the petitioner herein, he was required to repay the sum in 26 monthly EMIs. The petitioner herein was subsequently transferred from one department to another.



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3.The respondents claim that by oversight, last three installments commencing from 24th EMI were not deducted out of the petitioner's monthly salary and through the impugned order, dated 12.05.2022, they have sought for recovery of 24th , 25th and 26th EMIs.

4.The learned counsel for the petitioner submitted that all the 26 EMIs have already been deducted from the salary of the petitioner and his entire housing loan has been repaid, which is evidenced in his pay slips. In the background of this submission, the learned counsel seeks return of the original title deeds, that have been mortgaged with the respondents.

5.The limited issue involved in the present writ petition is as to whether the last three installments of the housing loan, have been paid by the petitioner herein or not?

6.Though the petitioner herein claims that these three installments have also been deducted out of his monthly salaries, the learned counsel submitted that



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the petitioner is willing to deposit the entire amount of these three (3) EMIs before the respondents in order to receive the mortgaged title deeds.

7.If the amount sought to be recovered from the petitioner is deposited before the respondents, I do not find any impediment for the respondents to release the title deeds. The issue as to whether the petitioner has repaid the entire loan can be later adjudicated through an enquiry.

8.In view of the submission made by the learned counsel for the petitioner, there shall be a direction to the petitioner herein to deposit a sum of Rs.30,854/- (Rupees Thirty Thousand Eight Hundred and Fifty Four only) being the alleged amount due towards the unpaid loan amount, under the impugned order in Na.Ka.No.A2/1979/Ka.Paa.Ku/2021 dated 12.05.2022, before the third respondent herein. On receipt of such an amount, the third respondent shall forthwith release the original title deeds in Doc.No.1429 / 2001 on the file of the Sub-Registrar, Thoothukudi, Melur, within two (2) days from the date of such deposit. Thereafter, the third respondent herein shall conduct an enquiry with regard to the petitioner's claim of having repaid the housing loan amount, after



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giving due opportunity to the petitioner and take a final decision, atleast within a period of three (3) months from the date of receipt of a copy of this order. The Writ Petition stands ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

04.08.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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Order made in
W.P.(MD)No.17380 of 2022

Dated:
04.08.2022