



W.P.(MD) No.1631 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

**W.P.(MD)No.1631 of 2021**

R.G.Jambunathan

...Petitioner

Vs.

1.The Registrar of Co-operative Housing Societies,  
Office of Tamil nadu Housing Societies Federation,  
No.48, Richton Road,  
Vepari,  
Chennai-600 007.

2.The Deputy Registrar of Co-operative Societies (Housing),  
51/15, Besant Road,  
Chokkikulam,  
Madurai-2.

3.The Special Officer/Secretary,  
A 63/1092 Madurai Co-operative Building Society Limited,  
No.51/15, Besant Road,  
Chokkikulam,  
Madurai-2.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other appropriate writ or order or directing the Respondents to release the Petitioner's original title deed relating to the mortgaged property in



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document No.4892/2000 dated 10.06.2000 pertaining to the petitioner's loan account No.115 M in the 3<sup>rd</sup> Respondent Society within stipulated time based on the petitioner's representations dated 28.08.2020, 22.09.2020 and 28.10.2020.

For Petitioner :Mr.S.J.Chakkaravarthy

For Respondents :Mr.B.Saravanan

Additional Government Pleader

### **ORDER**

This writ petition has been filed for issuance of writ of mandamus directing the respondents to release the original title deed belonging the petitioner, which was given as security at the time of taking loan from the third respondent society by considering the representations made by the petitioner.

2. The case of the petitioner is that he availed a mortgage loan from the third respondent and had given his title document as security. The petitioner thereafter repaid back the entire loan amount along with interest to the third respondent. The petitioner made representations to the respondents seeking for the release of the original title document



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belonging to the petitioner, which was given as security. Since the representations were not acted upon, the present writ petition has been filed before this Court.

3. When the matter was taken up for hearing on 10.10.2023, this Court directed the learned Additional Government Pleader to take instructions and report before this Court as to why the original title document was not handed over to the petitioner and accordingly, the matter was posted for hearing today.

4. The learned Additional Government Pleader produced written instructions received from the second respondent. On carefully going through the same, it is seen that the third respondent society had pledged the document that was given by the petitioner as security to the first respondent for availing certain financial facilities. Since the amount was not settled by the third respondent to the first respondent, the original document belonging to the petitioner is now retained by the first respondent.



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**5.** Taking into consideration the facts and circumstances of the case and the undisputed facts involved in this case and also the written instructions received from the second respondent, this Court is inclined to issue directions for the release of the original title deed belonging to the petitioner.

**6.** Accordingly, there shall be a direction to the first respondent to release the original title deed belonging to the petitioner in Document No.4892 of 2000 dated 10.06.2000 pertaining to the petitioner's loan account No.115 M, within a period of two weeks from the date of receipt of a copy of this order. Insofar as transaction between the first respondent and the third respondent is concerned, the same shall be dealt with independently.

**7.** This writ petition is disposed with the above directions. No costs.

**12.10.2023**

NCC :Yes/No  
Index :Yes/No  
Internet : Yes/ No



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To

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**N. ANAND VENKATESH, J.**

SM

**Order made in**  
**W.P(MD)No.1631 of 2021**

**Dated**  
**12.10.2023**