



W.P.(MD)No.19334 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19334 of 2021

J.Arulalan

... Petitioner

Vs.

1.The Sub Registrar of Cooperative Societies,
Ramanathapuram District.

2.The Branch Manager,
Ramanathapuram District Central
Co-Operative Bank Ltd, Kamuthi,
Ramanathapuram District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent - Bank to release the original documents of the petitioners family illegally kept by the 1st respondent based on the petitioners representation dated 01.03.2021

For Petitioner	: Mr.P.Edinbrough
For R1	: Mr.B.Saravanan Additional Government Pleader
For R2	: Mr.D.Shanmugarajasethupathi

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the second respondent to release the original documents based on the representation made by the petitioner dated 01.03.2021.



W.P.(MD)No.19334 of 2021

2.The case of the petitioner is that his mother had availed housing loan and for that purpose, original documents were given as security to the second respondent Bank. According to the petitioner, despite the entire loan amount being paid, the original documents were not returned to the petitioner. When the petitioner sought for original documents, it was informed to the petitioner that the sister of the petitioner was working in the second respondent Bank and she committed misappropriation, as a result of which, the Bank had sustained loss and therefore, the Bank was not inclined to return the original documents. It is under these circumstances, the present petition has been filed before this Court.

3.In the considered view of this Court, the documents were given as security by the mother of the petitioner. On the demise of the mother, both the petitioner as well as his sister will be entitled to have a right in the property. The sister of the petitioner had involved in misappropriation of money, while working in the second respondent bank and action that was taken against her was also confirmed in the appeal filed in C.M.A.No.6 of 2020 by the Ramanathapuram District Court. It is in these circumstances, the documents were retained by the second respondent and it was not handed over to the petitioner.



W.P.(MD)No.19334 of 2021

WEB COPY

4.It is also brought to the notice of this Court that for the purpose of recovering the amount that was misappropriated by the sister of the petitioner, steps have been taken to attach the property and bring it for sale.

5.In view of the above, the relief sought for by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition is dismissed. No costs.

09.11.2023

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

To

The Sub Registrar of Cooperative Societies,
Ramanathapuram District.



WEB COPY



W.P.(MD)No.19334 of 2021

N.ANAND VENKATESH, J.

ta

W.P.(MD)No.19334 of 2021

09.11.2023