



W.P.(MD)No.21915 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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G.Pangajam

... Petitioner

-VS-

1.The Secretary,
State of Tamil Nadu, Cooperative Society Department,
Fort St. George, Chennai - 09.

2.The Secretary,
A-2248, Pandian Nagar Cooperative Society Building,
No.37/45A, 1st Floor, Pallavan Nagar Main Road,
B.B. Savadi, Madurai.

3.The Additional Registrar/Administrator,
Tamil Nadu Co-operative Housing Federation Ltd.,
48, Ritherdon Road,
Veperi, Chennai – 7.

... Respondents

[R3 is *suo motu* impleaded vide order of this
Court, dated 21.11.2023]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to hand over the petitioner's registered document in Document No.1804 of 1996 on the file of the Sub-Registrar Office, Madurai North Registration District, Madurai District.



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For Petitioner : Mr.I.Sabeer Mohamed
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The Additional Registrar/Administrator, Tamil Nadu Co-operative Housing Federation Ltd., 48, Ritherdon Road, Veperi, Chennai – 7, is *suo motu* impleaded as third respondent in this Writ Petition. Mr.B.Saravanan, learned Additional Government Pleader takes notice on behalf of the impleaded third respondent.

2. This Writ Petition was filed for issuance of Writ of Mandamus, directing the second respondent to hand over the petitioner's registered document in Document No.1804 of 1996, on the file of the Sub-Registrar Office, Madurai North Registration District.

3. The case of the petitioner is that she and her husband are Members of the second respondent Society and both of them availed a loan of a sum of Rs.3,50,000/- and as a security for the loan, the original title document in Document No.1804 of 1996 was handed over to the second respondent and it



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was also registered before the concerned Sub-Registrar Office. The further case of the petitioner is that the entire loan amount was repaid back in the year 2007 before the second respondent and after receiving the amount, a receipt was also given, acknowledging the same and this was also registered before the concerned Sub-Registrar Office in Document No.3929 of 2007. In spite of the repayment of the loan, the original document belonging to the petitioner was not handed over to her. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the original document that was given as security by the petitioner is available in the Office of the impleaded third respondent. This submission was made by the learned Additional Government Pleader based on the oral instructions given by Mr.S.M.D.R.Senthilkumar, Secretary, A-2248, Pandian Nagar Cooperative Society, Madurai. The learned Additional Government Pleader further submitted that for the loan that was repaid back in the year 2007, the petitioner has approached this Court in the year 2021 and therefore, this requires some enquiry by the impleaded third respondent.



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5. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

6. In the considered view of this Court, the repayment of the loan is borne out by the receipt, dated 30.10.2007, which was signed by the Secretary of the Society and this receipt has also been registered on the file of the Joint Sub-Registrar, Madurai North, as Document No.3929 of 2007. This document is a *prima facie* material to establish that the amount has been repaid back to the second respondent. It is quite unfortunate the petitioner has been made to run from pillar to post from the year 2007 onwards.

7. In view of the above, there shall be a direction to the impleaded third respondent to deal with the request made by the petitioner and to hand over the original document to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the impleaded third respondent along with all the relevant documents and also a copy of this order.



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8. This Writ Petition is disposed of with the above direction. No costs.

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NCC : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

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