



W.P(MD)No.28423 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28423 of 2022

Padmanaban

... Petitioner

Vs.

1.The Registrar,
Office of the Registrar of Co-operative Societies,
No.170, EVR Road, Dr.Radhakrishana Nagar,
RazzakGraden SBI Officers Colony,
Arumbakkam, Chennai.

2.The District Collector,
Madurai District.

3.The Joint Registrar/ Dissolution Officer,
No.28, Madurai City Co-operative Bank,
Door No.32, Naickar New Street,
Madurai -1.

4.The Inspector of Police,
Economic Offence Wing,
Madurai City.

5.The Sub-Registrar,
Theppakulam Sub-Registrar Office,
Madurai District.

... 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 second and third respondents to take suitable action regarding to discharge in the petitioner's



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mortgage loan in mortgage deed dated 18.03.2000 in Document No.1576 of 2000 and dated 13.11.2000 in Document No.2337 of 2000 from the Sub-Registrar Office, Theppakulam, Madurai District in accordance with law, on the basis of the petitioner's representation dated 21.09.2022.

For Petitioner : Mr.R.Udhayakumar

For Respondents : Mr.A.Baskaran (for R1 & R2)
Additional Government Pleader
Mr.Mohamed Fazil (for R3)
Mr.B.Thanga Aravindh (for R4 & R5)
Government Advocate (Crl.side)

ORDER

Heard the learned counsel for the writ petitioner, the learned counsel for the third respondent and the learned counsel for the fourth respondent.

2. The petitioner contends that eventhough a sum of Rs.9,96,000/- was sanctioned as mortgage loan, only a sum of Rs.2,71,400/- was disbursed. He would allege that eventhough the entire property was taken as mortgage, the balance amount of Rs.7,24,600/- was misappropriated by the Bank officials. The petitioner now wants the original document back. He is ready to clear his liability by treating the principal amount as Rs.2,71,400/-.



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3. The claim of the petitioner is strongly contested by the third respondent. Since disputed questions of fact have cropped up for consideration, I am not in a position to grant relief in writ proceedings. The petitioner has an effective remedy under the provisions of Tamil Nadu Co-operative Societies Act, 1983. He can file a petition under Section 90 of the said Act. As and when such a petition is filed before the competent authority, the same shall be considered and disposed of on merits and in accordance with law within a period of six months thereafter.

4. With the aforesaid liberty to the writ petitioner and the direction to the competent authority to decide the dispute under Section 90 of the Act, the Writ Petition is disposed of. No costs.

24.01.2023

NCC : Yes / No

Index : Yes / No

Rmk

To

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G.R.SWAMINATHAN, J.,

Rmk

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