



W.A.(MD) No.396 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.396 of 2024

and

C.M.P.(MD)No.3535 of 2024

1.The Director (Khadi),
Khadi and V.I.Commission,
No.3, Irla Road, Vile Parle (W),
Mumbai -400 056.

2.The Director,
Divisional Office,
Khadi & V.I.Commission,
10, Bye Pass Road, Madurai-625 010.

... Appellants

-Vs-

The Secretary,
Sri Saratheshwari Priya,
Sri Saradha Sevashramam, Tenjeyarambadi,
Amaravathipudur-630 301, Sivagangai District.

... Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 10.01.2024 passed in W.P.(MD)No.4904 of 2023 on the file of this Court.



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For Appellants : Mr.M.Senthil Kumar

For Respondent : Mr.D.S.Haroon Rashid

JUDGMENT

[Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*]

This Writ Appeal is directed against the order of the Writ Court dated 10.01.2024 passed in W.P.(MD)No.4904 of 2023.

2.The respondent / writ petitioner filed the Writ Petition, seeking for a direction to the 1st appellant / 1st respondent to issue No Objection Certificate and further, a direction to the 2nd appellant / 2nd respondent to return the original mortgage title deed documents of Sri Saradha Sevashramam, A.M.Street, Pallathur.

3.The Writ Court, after hearing both sides, disposed of the Writ Petition, directing the writ petitioner to pay the balance amount to the respondents on or before 31.01.2024 and directing the respondents on such payment by the writ petitioner to return the original title deed of the writ petitioner on or before 12.02.2024.

4.Aggrieved by the same, the respondents filed this Writ Appeal on the ground that the respondent Society is now defunct and some of the unscrupulous



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members of the Society are trying to sell away the property in question for their personal interest. Therefore, in order to protect the interest of the Society, the appellants have filed this Writ Appeal.

5.The learned counsel appearing for the respondent strictly denied the said contention by stating that the property in question cannot be sold to any third party without getting any proper permission from the Registrar of the Society, which is registered under the Tamil Nadu Societies Registration Act, 1860.

6.In view of the specific submission made by the learned counsel for the respondent, we are not inclined to interfere with the order of the Writ Court, which is impugned herein and there is no further adjudication required in this Writ Appeal, accordingly, this Writ Appeal stands dismissed by holding that if the writ petitioner pays the balance amount, the appellants have to return the original documents without any further delay as observed by the Writ Court. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
14.03.2024

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