



W.P.(MD).No.4904 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.4904 of 2023

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

... Petitioner

vs.

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.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, directing the first respondent to issue No Objection Certificate and further directing the second respondent to return the original mortgage title deed documents of Sri Saradha Sevashramam, A.M.Street, Pallathur.



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For Petitioner : Mr.R.Krishnamoorthy
For R1 and R2 : Mr.S.Murugan

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to issue No Objection Certificate and further directing the second respondent to return the original mortgage title deed documents of Sri Saradha Sevashramam, A.M.Street, Pallathur.

2. The petitioner is a Secretary of Shri Saradha Sevashramam. It is a charitable Society started in the year 1977 and registered under Societies Registration Act, 1860. The petitioner had availed a loan in the year 1992 and paid the dues property. The original mortgage title deed documents are with the second respondent. Hence, the petitioner has requested the first respondent for issuance of No Objection Certificate. However, the respondents wantonly refused to issue No Objection Certificate and return the original mortgage title deed documents of the petitioner. Therefore, the present writ petition has been filed.



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3. The learned counsel appearing for the respondents has filed a Calculation Memo stating that the balance amount of Rs.1,26,990/- has to be paid to the respondents. In addition to state that if the loan amount is to be settled by the petitioner Institution, the approval of the Ministry of Small and Medium Enterprises, Government of India is required to return the title deed of the Institution. It is submitted that without the consent of the Government, the petitioner Institution cannot get back the title deeds from the KVIC.

4. The learned counsel appearing for the petitioner would submit that the petitioner is ready to pay the balance amount to the respondents within the time prescribed by this Court.

5. Considering the above facts, this Court is of the view that if the petitioner pays the balance amount, the respondents are to return the original documents. Hence, the petitioner is directed to pay the balance amount to the respondents on or before 31.01.2024 and on such payment, the respondents are directed to return the original title deed of the petitioner on or before 12.02.2024.



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6. With the above directions, this Writ Petition is disposed of. No costs.

10.01.2024

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To

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Khadi and V.I. Commission,
No.3, Irla Road,
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V.BHAVANI SUBBAROYAN,J.

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