



WP(MD)No.6186 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.6186 of 2024

E.Indirani

... Petitioner

Vs.

1.The Managing Director /
Additional Coop.Housing
Federation Ltd.,
No.48, Ritherdon Road,
Veperi, Chennai – 600 007.

2.The Deputy Registrar (Housing),
No.5, Baskar Complex,
Besant Road, Chinna Chokkikulam,
Madurai – 625 002.

3.The Secretary,
MDAHS 91, Vadipatti Taluk,
Cooperative Housing Society Ltd.,
Vadipatti PO – 625 218,
Vadipatti Taluk, Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to return the petitioner's original document in the name of E.Indirani vide registered document No.1107/1989 in Vadipatti SRO within the time limit as stipulated by the Court.



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For Petitioner : Mr.R.Ravikumar

For Respondents : Mr.Kanmani Annamalai for R1

Kameshwaran,
Government Advocate for R2 & R3

* * *

ORDER

Heard both sides.

2.The petitioner had availed mortgage loan from the third respondent. The petitioner categorically states that the mortgage loan had been settled by her in full. In fact, the discharge certificate issued by the third respondent has been enclosed in the typed set of papers. However, the original document has not been returned so far. That led to the filing of this writ petition.

3.The learned counsel for the third respondent submitted that the amounts remitted by the petitioner had been misappropriated by the then Secretary and that it has not been credited in the petitioner's account. If the secretary had committed breach of trust, consequences cannot fall on the petitioner. It is the third respondent who has to take the blame.



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4.At this stage, the learned standing counsel for the federation fairly submitted that the third respondent can be directed to send a proposal afresh and that on receipt thereof, appropriate steps will be taken by the first respondent. I direct the third respondent to send a proposal to the first respondent through the second respondent. This shall be done immediately and without any delay. On receipt thereof, the document shall be returned to the petitioner. The entire exercise shall be completed within a period of eight weeks from the date of receipt of copy of this order.

5.This writ petition is allowed. No costs.

03.04.2024

Index : Yes / No
Internet : Yes/ No
Skm

To

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G.R.SWAMINATHAN, J.

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