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W.P.No.4967 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.4967 of 2025

1.K.Natarajan

2.K.Amsanandam

3.K.Jambunathan

... Petitioners

Vs.

1.The Joint Registrar of Co-operative Societies,
Nilgiri Region,
Nilgiri District.

2.The Deputy Registrar of
Co-operative Societies,
Udhagamandalam,
Nilgiris District.

3.K.722 Udhagamandalam Co-operative
Primary Agricultural and
Rural Development Bank,
Rep. by its Administrator,
No.50, New Agragaram,
Udhagamandalam 643 001,
Nilgiris District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying



W.P.No.4967 of 2025

for issuance of Writ of Mandamus directing the respondents to reconvey the properties in survey Nos.864/2, 865/1A, 865/2B, 866/1, 869/3, 895/1, 896/1B and 865/2B measuring 5.98 hectare at Sokkanur Village, Pollachi Taluk, Coimbatore District, to the petitioner under Rule 131(1) of the TNCS Rule, 1988 in respect of NFS Loan No.26 mortgage deed dated 27.03.1999.

For Petitioners : Mr.M.S.Palaniswamy

For Respondents 1 & 2 : Mr.K.Tamil Vendhan,
Government Advocate

For Respondent 3 : Mr.V.Manoharan,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner to direct the respondents to reconvey the properties in survey Nos.864/2, 865/1A, 865/2B, 866/1, 869/3, 895/1, 896/1B and 865/2B measuring 5.98 hectare at Sokkanur Village, Pollachi Taluk, Coimbatore District, to the petitioner under Rule 131(1) of the TNCS Rule, 1988 in respect of NFS Loan No.26 mortgage deed dated 27.03.1999.

2. Learned counsel for the petitioners submitted that The petitioners, owners of properties in Chokkanur Village, Pollachi Taluk, mortgaged them



to the second respondent bank as security for a sum of Rs.9,98,000/- loan taken by Philip Anandaraj in 1999. After default, the bank auctioned the properties in 2001 and became the highest bidder, but never took possession. The petitioners, still in possession, sought re-conveyance under Rule 131 of the TNCS Act after repaying the full loan, interest, and expenses totaling Rs.56,64,867/-. Despite multiple representations and document submissions from 2017 to 2024, the bank has not executed the re-conveyance, leading the petitioners to file this writ petition.

3. Learned counsel for the petitioners has also relied the order passed by this Court in W.P.No.147 of 2008 dated 19.08.2008. For better appreciation, the relevant portions of the order is extracted hereunder:

“9. In view of the stated position, the first respondent is the competent person to pass orders for re-conveyance of the properties which have been auctioned as per Rule 131 of the Tamil Nadu Cooperative Societies Rules, 1988. When such power has been exercised by the first respondent and an order has been passed to that effect, as stated already, the Special Officer of the second respondent society, who is a subordinate, has to follow the same by letter and spirit. However, he cannot deny the benefit which has been conferred on the petitioner by the first respondent through his order. Unless and until the said



WEB COPY



W.P.No.4967 of 2025

order of the first respondent is set aside, the second respondent is expected to comply with the orders that has been passed by the first respondent in this connection.

10. Considering the above facts and circumstances, I am inclined to direct the second respondent to re-convey the petitioner's property o an extent of 4.42 acres which is under the possession of the second respondent as ordered by the first respondent in his proceeding dated 12.12.2007 as passed under Rule 131 (1) of Tamil Nadu Cooperative Societies Rule 1988. The said exercise has to be carried by the second respondent within a period of eight weeks from the date of receipt of a copy of this order."

4. Learned Additional Government Pleader appearing for the third respondent has submitted a written instruction dated 24.03.2025 wherein it is stated that permission was given to the bank to re-convey the said property to the petitioners after confirming the originality in the ownership and after proper approval from the Loanee (Mr.A.Philip Anandaraj) vide the letter Rc.No.4124/2019/B3, dated 23.08.2023.

5. Heard the learned counsel on either side and perused the materials available on record.



W.P.No.4967 of 2025

WEB COPY

6. In view of the submission made by the learned counsel on either side, the third respondent is directed to re-convey the properties in survey Nos.46/2 and 378/1B measuring totally 4.20.5 Hectare at Chinnappanuthu Village and Anthiyur Village, Udumelpet Taluk, Tiruppur District to the petitioner under Rule 131(1) of the TNCS Rule, 1988 in respect of NFS Loan No.26 mortgage deed dated 27.03.1999, within a period of four weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs.

25.03.2025 (vm)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

1.The Joint Registrar of Co-operative Societies,
Nilgiri Region,
Nilgiri District.

Page No.5 of 7



W.P.No.4967 of 2025

2.The Deputy Registrar of
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J.SATHYA NARAYANA PRASAD,J.

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