



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[NPD](MD)Nos.582 and 583 of 2020

and

C.M.P.(MD).Nos.3660 and 3661 of 2020

- 1.The Deputy Registrar of Co-operative Societies (Housing),
Madurai Region, Madurai.
- 2.The Deputy Registrar of Co-operative Societies (Housing),
Virudhunagar Region, Virudhunagar.

...Petitioners
in both petitions

Vs.

- 1.P.Sundarrajan
- 2.The Special Officer / Secretary,
Housing Board, Manamadurai.

...Respondents
in both petitions

PRAYER IN C.R.P.(NPD).(MD).No.582 of 2020: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the entire records relating to proceedings in E.A.No.3 of 2015 in C.C.No.58 of 2004 on the file of the learned District Consumer Disputes Redressal Forum, Sivagangai, Sivagangai District and strike off the same.



PRAYER IN C.R.P.(NPD).(MD),No.583 of 2020: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order dated 14.09.2011 passed in C.C.No.58 of 2004 on the file of the learned District Consumer Disputes Redressal Forum, Sivagangai, Sivagangai District and strike off the same.

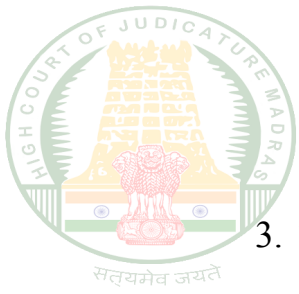
In Both Petitions

For Petitioners : Mr.B.Saravanan,
Additional Government Pleader
For R-1 : Mr.S.Bharathy Kannan
For R-2 : Mr.A.R.Kannappan

COMMON ORDER

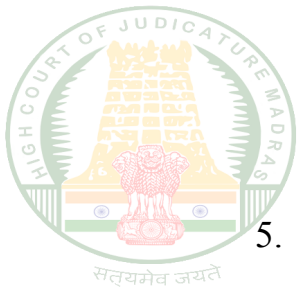
C.R.P.(NPD).(MD).No.582 of 2023 has been filed seeking orders to strike off the proceedings in E.A.No.3 of 2015 in C.C.No.58 of 2004 on the file of the District Consumer Disputes Redressal Forum, Sivagangai, Sivagangai District.

2. C.R.P.(NPD).(MD).No.583 of 2023 has been filed seeking orders to set aside the order dated 14.09.2011 passed in C.C.No.58 of 2004 on the file of the District Consumer Disputes Redressal Forum, Sivagangai, Sivagangai District.



3. The petitioners are the respondents in C.C.No.58 of 2004. The first respondent's father, Periyampillai, had availed a housing loan from the then Rajakambeeram Gramiya Co-operative Housing Society in the year 1965. On 11.01.1988, he repaid a sum of Rs.515.15/- towards the loan. Subsequently, Periyampillai passed away. Later, the said Society was amalgamated with the Manamadurai Taluk Co-operative Housing Society and subsequently came under the supervision of the second petitioner in the year 1996. After a lapse of nearly 16 years from the date of the last repayment, the first respondent filed a complaint in C.C.No.58 of 2004 before the District Consumer Disputes Redressal Forum, Sivagangai, claiming that the original mortgage documents deposited by his father at the time of availing the loan were not returned, falsely asserting that the entire loan amount had been repaid. Upon adjudication, by an order dated 14.09.2011, the District Forum directed the petitioners to return the mortgage documents to the first respondent, subject to production of a legal heir certificate and no objection certificates from other legal heirs of the deceased Periyampillai. Subsequently, the first respondent filed an execution petition in E.A.No.3 of 2015.

4. This Court, by an order dated 19.06.2025, directed the petitioners to pay a sum of Rs.10,000/- as costs to the first respondent and to issue a no due certificate. This case was posted for compliance today.

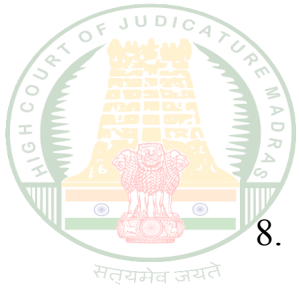


5. Today, the learned Government Advocate submitted that a demand draft for Rs.10,000/- drawn in favour of the first respondent and a no due certificate have been prepared. However, the first respondent refused to receive the said costs and no due certificate. The petitioners also expressed readiness to issue a certified copy of the mortgage document, but the first respondent has not produced a xerox copy of the original document, which is required to apply for a certified copy from the jurisdictional Sub Registrar.

6. This Court queried the learned counsel for the first respondent regarding receipt of the cost and no due certificate, but he reported "no instructions".

7. In view of the above circumstances, this Court directs as follows:

“Whenever the first respondent approaches the second petitioner and produces a xerox copy of the mortgage document, the second petitioner shall take immediate steps to approach the concerned Joint Sub Registrar, apply for a certified copy of the said document, and hand over the same to the first respondent. The first respondent is at liberty to receive Rs.10,000/- as costs and the no due certificate from the second petitioner at that stage.”



8. Accordingly, the Civil Revision Petitions are disposed of.

Consequently, the connected miscellaneous petitions are closed.

02.07.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1.The District Consumer Disputes Redressal Forum, Sivagangai, Sivagangai District.

2.The Deputy Registrar of Co-operative Societies (Housing),
Madurai Region, Madurai.

3.The Deputy Registrar of Co-operative Societies (Housing),
Virudhunagar Region, Virudhunagar.

4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(NPD).(MD)Nos.582 and 583 of 2



M.DHANDAPANI, J.

TSG

C.R.P.(NPD).(MD)Nos.582 and 583 of 2020

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