



W.A(MD)No.2359 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.A(MD)No.2359 of 2025

and

CMP (MD) No.13287 of 2025

The Secretary  
N.N.621, Siungampunari Cooperative,  
Housing Construction Society,  
Sundaram Nagar  
Singampunari  
Sivaganga District.

... Appellant

Vs.

1. Gnanaseelan

2. The District Collector,  
Sivagangai,  
Sivagangai District.

...Respondents

**PRAYER:** Writ Appeal filed under Clause XV of the Letters Patent Appeal, to set aside the order passed in W.P.(MD) No.26543 of 2024 dated 06.11.2024.

|               |                                                  |
|---------------|--------------------------------------------------|
| For Appellant | : Mr.S.Kumar                                     |
| For R2        | : Mr.S.P.Maharajan<br>Special Government Pleader |
| For R1        | : Mr.S.Poornachandran                            |



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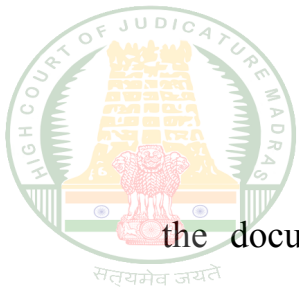
## **JUDGMENT**

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

We have heard the learned counsel appearing for the petitioner; Mr.S.Poornachandran, learned counsel appearing for the first respondent and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the second respondent.

2. The writ appeal has been instituted challenging the writ order dated 06.11.2024 in W.P.(MD) No.26543 of 2024. Singampunari Cooperative Housing Construction Society is the appellant before this court. The first respondent filed a writ petition seeking a direction to the appellant Society to return back the property title deed documents deposited in Mortgage Document No.384 of 2008 in Loan No.441 of 08-09, based on the representation submitted by the first respondent.

3. Admittedly, the property belongs to the first respondent was mortgaged in a loan transaction. The only contention of the first respondent is that he repaid the entire loan amount and no due certificate was issued and therefore,



the document to be returned. These all are the disputed facts between the cooperative society and the first respondent. Such disputed facts cannot be adjudicated in a writ proceeding. More so, the relief sought for against a cooperative society, which is not a State within the meaning of Article 12 of the Constitution of India, is not maintainable. The remedial mechanism are contemplated under the provisions of the Tamil Nadu Cooperative Societies Act. Thus, the petitioner has to exhaust the remedy contemplated under the Act before approaching the High Court.

4. In the present case, the first respondent has not exhausted the appellate remedy contemplated under the Act. Even the petitioner can raise a dispute under Section 90 of the Act. The learned Single Judge has directed the respondent to consider the representation. Mere direction to consider the representation would do no service to the cause of justice and in this nature of cases, it will lead to multiplicity of litigation, as the petitioner after passing an order by the appellant would come back again to the High Court by filing another writ petitions. Therefore, at all circumstances, issues ought to be decided on merits and grievances ought to be redressed.



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5. In view of the facts and circumstances, the first respondent has to approach the competent authority and the writ petition is not maintainable.

Accordingly, the impugned writ order dated 06.11.2024, is hereby set aside and the writ appeal stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

**(S.M.S., J.) & (G.A.M., J.)**  
**18.08.2025**

NCC : Yes / No  
Index : Yes / No  
PKN

To

The District Collector,  
Sivagangai,  
Sivagangai District.



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