



W.P(MD)No.20007 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.20007 of 2024

1.V.Kannan

2.K.Porselvi

... Petitioners

Vs

1.The Additional Registrar/Administrator,
Tamil Nadu Cooperative Housing Fedaration Limited,
No.48, Ritherdon Road,
Veperi,
Chennai-7.

2.The President,
Tamil Nadu Cooperative Department (Housing),
A.2896, Madurai Forest Staff and other publics,
Cooperative Housing Society Limited,
No.5 Road, Muthaliyar Street,
Narimedu,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to release the sale deed in document No.2019/1999 and return the same to the petitioner within the time frame as fixed by this Court.

For Petitioners : Mr.M.Karthick

For Respondents : Mr.S.Kanmani Annamalai (for R1)

Mr.R.Chandrasekar (for R2)



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ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to release the sale deed in document No. 2019/1999 and return the same to the petitioner.

2.The contention of the petitioner is that the petitioner and his wife obtained a loan of Rs.4,00,000/- by executing a registered mortgaged deed vide Doc.No.3354/1999, dated 14.12.1999. However, he has repaid entire amount and obtained the registered receipt and the same has been registered in Doc.No. 65/2014, dated 06.01.2014. But, the second respondent refused to release the sale deed. At the time of executing the mortgage deed, the petitioner has deposited the title deed in Doc.No.2019/1999, with the second respondent and the second respondent in turn has deposited the said title deed with the first respondent. Therefore, the first respondent ought to have released the sale deed in Doc.No. 2019/1999.

3.The learned counsel appearing for the second respondent however, submitted that the contention of the petitioner is not correct, since there is no account to show that the petitioner has paid the entire loan amount. According to



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the statement of the account maintained by the second respondent, the petitioner has to pay Rs.4,00,000/-. Therefore, the entire claim of the petitioner has to be enquired. He further submitted that the receipts issued by the erstwhile president ought to be scrutinized.

4.Since certain factual aspects are involved in this writ petition, this Court is not inclined to entertain this writ petition. However, the second respondent is directed to conduct an enquiry and pass appropriate orders on merits, in accordance with law, based on the records submitted by the petitioner. The petitioner is also directed to submit all relevant documents in his possession before the second respondent to substantiate his claim that the entire loan amount has been repaid. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

5.With the above directions, this writ petitions stands disposed of. No costs.

08.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

Vsg



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S.SRIMATHY, J.

Vsg

**ORDER MADE IN
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