



W.P.(MD)No.17773 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.17773 of 2018

D.Sundari

.. Petitioner

Vs.

1.The Executive Officer,
EE.197, Tuticorin Co-Operative Housing Society Ltd.,
Chidambara Nagar, Thoothukudi.

2.The Deputy Registrar (Housing),
Co-Operative Housing Society,
Vannarpettai, Tirunelveli - 3.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to return sale deed dated 07.09.1995 (registered as Document No. 1934/1995 on the file of Joint SRO-II, Thoothukudi in respect of the property bearing Door No.98/45, Kandasampuram, Thoothukudi - 2 in Survey No.33/3A Sankaraperi Village and T.S.No.4401, Block 36, Town Survey Ward 4, Kandasampuram Street, Municipal 1st Ward, Thoothukudi Town in the light of the orders passed in C.M.A.(CS).No.9 of 2013 on the file of Learned Principal District Judge, Thoothukudi



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dated 29.09.2016.

For Petitioner : Mr.M.P.Senthil
For R1 : Mr.A.Nawaz Khan
For R2 : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition has been filed for the following relief :

“directing the respondents to return sale deed dated 07.09.1995 (registered as Document No.1934/1995 on the file of Joint SRO-II, Thoothukudi in respect of the property bearing Door No.98/45, Kandasamypuram, Thoothukudi - 2 in Survey No.33/3A Sankaraperi Village and T.S.No.4401, Block 36, Town Survey Ward 4, Kandasamypuram Street, Municipal 1st Ward, Thoothukudi Town in the light of the orders passed in C.M.A. (CS).No.9 of 2013 on the file of Learned Principal District Judge, Thoothukudi dated 29.09.2016.”

2. The petitioner was a member of the 1st respondent Society and had applied for the loan by mortgaging the her property for a sum of Rs.



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2,00,000/-. One Santhanaraj through whom she had applied for the loan, has misappropriated the loan amount conniving with the officials of the Bank by committing forgery and also defrauded the money. Since she was not paid any amount, she requested the Society to return the original documents. Since there was no response, she had filed W.P.No.13192 of 2003 seeking return of documents. The same was disposed by an order dated 25.04.2003 directing the respondent to dispose of the representation of the petitioner. Pursuant to the same, the 1st respondent had passed an order rejecting the petitioner's claim as if the loan amount was paid to the petitioner through the said Santhanaraj. Thereafter, a criminal case was registered against the said Santhanaraj in Crime No.1 of 2005 on the file of Economics Office Wing, Tuticorin which was taken on file in C.C.No.52 of 2006 on the file of Judicial Magistrate No.2, Tirunelveli. After an elaborate trial, by judgment dated 30.03.2007, judgment was delivered convicting the said Santhanaraj and other officials of the respondent Society.



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3. In view of the above, the petitioner once again made a representation dated 06.04.2009 seeking to return the documents. Since the same was not considered, the petitioner was constrained to file W.P.No.9876 of 2009 seeking to return the title documents. This Court by an order dated 31.10.2012 directed the petitioner to work out his remedy by filing an appeal. Thereafter, the petitioner had filed C.M.A(CS)No.9 of 2013 on the file of the Principal District Court, Thoothukudi challenging the order dated 31.10.2003 passed by the 2nd respondent Society rejecting his claim for return of documents. By an order dated 29.09.2016, the appeal was allowed by setting aside the order dated 31.10.2003 passed by the Society. Therefore, in the light of the said order, the petitioner seeks return of original documents.

4. No steps whatsoever has been taken to comply with the orders of this Court, dated 16.08.2024 in W.P(MD)No.3573 of 2018. Since technically this order is not the subject matter of challenge, this Court is proceeding to hear the writ petition.



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5. Since the order passed by the 2nd respondent has been set aside in C.M.A(CS)No.9 of 2013 by the Principal District Judge, Thoothukudi, dated 29.09.2016 and the same has not been challenged despite orders of this Court, this writ petition stands allowed and the documents are directed to be returned to the petitioner within a period of three (3) weeks from the date of receipt of copy of this order. No costs.

17.11.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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EE.197, Tuticorin Co-Operative Housing Society Ltd.,
Chidambara Nagar, Thoothukudi.

2.The Deputy Registrar (Housing),
Co-Operative Housing Society,
Vannarpettai, Tirunelveli - 3.



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P.T.ASHA, J.

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