



W.P.(MD) No.26584 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.26584 of 2025

R.Jaganath

.. Petitioner

Vs.

1.The Registrar of Co-Operative Societies,
No.170, E.V.R.Periyar Salai,
Kilpakkam, Chennai-10.

2.The Deputy Registrar of Co-operative Societies,
O/o. Palani Deputy Registrar Co-operative Societies,
Palani, Dindigul District.

3.The Secretary,
A-331, Palani Co-Operative Urban Bank Ltd.,
No.5, Gandhi Salai, Palani,
Dindigul District.

.. 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 the petitioner's mortgaged housing document No.1559/2016 dated 29.02.2016. and also documents related to his punja lands in S.F.No. 166/5 B1, 166/5B2 situated in silukuvarpatti village, Dindugul District as directed by this Court through its order dated 18/07/2025.

For Petitioner : Mr.S.Arivalagan



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For Respondents : Mr.D.Sasikumar
Government Advocate

ORDER

This writ petition has been filed for the following relief :

“directing the respondents to return the petitioner's mortgaged housing document No.1559/2016 dated 29.02.2016. and also documents related to his punja lands in S.F.No.166/5 B1, 166/5B2 situated in silukuvarpatti village, Dindugul District as directed by this Court through its order dated 18/07/2025.”

2. The petitioner would submit that he and his brother have jointly purchased a housing plot No.14 in S.F.No.434/1A situated in Thattankulam Village, Palani Taluk, Dindigul District measuring an extent of 2200 sq.ft vide Doc.No.84/2004, dated 26.05.2004 for valid consideration. For construction of a house, they had availed a housing loan of Rs.15,00,000/- on 29.09.2016 from the 3rd respondent bank under the 10 years scheme. For the said loan, they had mortgaged the above said land documents with the 3rd respondent vide registered document no. 1559/2016, dated 29.02.2016. Since they have not paid the EMI amount



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for a period of 6 months, the 3rd respondent had declared the housing loan as Non-Performing Asset (NPA) and filed a petition under Section 90 of Co-operative Societies Act, 1983 before the 2nd respondent. Without issuing any notice, the 2nd respondent had passed an *ex parte* order, directing the petitioner to pay the total outstanding amount of Rs. 18,67,504/- with interest immediately to the 3rd respondent bank, failing which, permitting the 3rd respondent to sold out the housing plot which was mortgaged by the petitioner.

3. In the meanwhile, Co-operative Department had published a Government Order in G.O.Ms.No.164, dated 13.12.2023 to reduce the rate of interest from 14% to 9% for the long pending NPA and who had not repaid the debts. As the petitioner's loan was converted into NPA in the year 2022 itself, the petitioner had approached the 3rd respondent that the said Government Order is applicable to them. However, the same was refused. Thereafter, the petitioner had approached the 2nd respondent. However, to no avail.



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4. Meanwhile, the 3rd respondent moved before the 2nd respondent and got a auction sale of the petitioner's property of 60 cents of punja land situated in Silukuvarpatty Village in S.F.No.166/5B1, B2 which is having a value of nearly Rs.1 Crore by an order dated 01.10.2024. The 2nd respondent had sent a auction sale notice through Notice No.7 under Rule 126 (2) (d) of Tamil Nadu Co-operative Societies Act stating that the above said property of 60 cents was attached by the 3rd respondent bank for repayment of the said housing loan. Again the 3rd respondent issued an auction sale notice dated 07.04.2025 through Form No.VIII under Rule 126 of Tamil Nadu Co-operative Societies Ac with regard to dwelling house situated in S.No.43A/1A directing the petitioner to repay the housing loan of RS.18,67,504/- with interest, failing which the attached property would be sold out on 14.05.2025 through public auction sale. Having already attached the property measuring 60 cents punja land vide order dated 01.10.2024, respondents 2 and 3, without cancelling the said attachment, have once again attached the dwelling house vide order dated 07.04.2025. Therefore, the petitioner is before this Court.



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5. Heard the learned counsel on either side.

6. It is informed that the amount as directed by the orders of this Court in W.M.P(MD)No.9038 of 2025 in W.P(MD)No.12355 of 2025, dated 28.04.2025 and in W.P(MD)No.12355 of 2025, dated 18.07.2025 have been fully paid by the petitioner. Therefore, in the light of Paragraph No.11 of the order, dated 18.07.2025, the respondents are bound to discharge the security offered which they have not done to date. Therefore, direction is issued to the 2nd respondent to discharge the security and hand over the documents pledged to the petitioner within a period of two (2) weeks from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition stands allowed. .

No costs.

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NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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To

The Deputy Registrar of Co-operative Society,
Musiri Circle,
Musiri.

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