

W.P.(MD)No.30301 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.30301 of 2024

J.Damotharan

... Petitioner

Vs.

1.The Manager,
Tamil Nadu Co-Operative Housing Federation Ltd,
No.37M5+572, Ritherdon Road,
Purasaiyakkam,
Chennai - 84.

2.The Registrar,
Co-Operative Housing Society,
4th Main Road,
Gandhi Nagar,
Adaiyar,
Chennai - 20.

3.The Deputy Registrar,
Co-Operative Society,
Pasumpon Nagar,
Palanganatham,
Madurai District - 03.

4.The Secretary,
A.2248, Pandiyan Nagar Co-Operative Housing Society Ltd.,
45-An Pallavan Nagar,
Kaalavasal,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to release the original sale deed in (Document No.4457/1979 dated 17.10.1979 registered



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at Thallakulam Sub-Registrar Office, Madurai) along with mother Documents, which was given as security for the mortgage Loan with the 4th respondent.

For Petitioners : Mr.I.Pinaygash
For 1st Respondent : Mr.N.Kanmani Amamalai
For 2nd Respondent : Mr.D.S.Neduncheliyan
Government Advocate

ORDER

This Writ Petition is filed, directing the respondents to release the original sale deed in (Document No.4457/1979 dated 17.10.1979 registered at Thallakulam Sub-Registrar Office, Madurai) along with mother Documents, which was given as security for the mortgage Loan with the 4th respondent.

2.Heard the learned counsels on either side and carefully perused the entire materials available on record.

3.The petitioner's dwelling house property is situated in Survey No. 2310 situated in door No.145/8, Thathaneri main road, Aruldasapuram, Thathaneri Thaluk, Madurai District, in an extent of 288 square feet. The petitioner's father in the year 2001, approached the fourth respondent Society, for obtaining a loan for a sum of Rs.80,000/- for his personal expenditure. Thereafter, the petitioner's father mortgaged their dwelling house and received obtained the loan amount of Rs.80,000/-. While granting the loan, the fourth respondent had received the original sale deed



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pertaining to the petitioner's house property bearing document No.4457 of 1979 dated 17.10.1979, of Thallakulam Sub-Registry along with other title deeds as security for the mortgage loan availed by the petitioner's father. The loan amount was duly paid by the petitioner's father with interest from 2001 onwards. While so, during 2012, the petitioner's father passed away and thereafter, on 02.09.2023, the petitioner paid the entire mortgage amount, that is, a sum of Rs.80,000/- along with interest of Rs.1,58,753/- to a total of Rs.2,25,753/-. Following which, the fourth respondent had closed his loan account and gave receipt for the settlement full satisfaction of the entire mortgage amount. However, the fourth respondent failed to release the documents till today without any valid reason. Hence, the petitioner made a representation in this regard on 28.11.2024, requiring the fourth respondent to release the original documents, which were given as security for the said mortgage loan. Even after receipt of the same, the fourth respondent Society did not return back the title deeds belonging to the petitioner and hence, this Writ Petition came to be filed.

4. When the matter came up for hearing, the learned counsel appearing for the first respondent submitted that the fourth respondent Cooperative Housing Society had received the loan amount from the first respondent federation for the purpose of sanctioning loan in favor of the petitioner's father to tune of Rs.80,000/-. However, so far the said loan amount has not been repaid by the fourth respondent Cooperative Housing

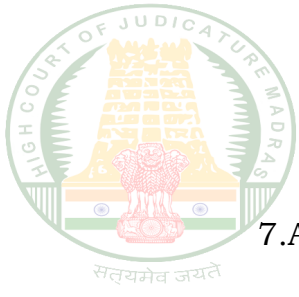


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Society to the first respondent. All the documents pertaining to the said mortgage loan are with the first respondent and until and unless the fourth respondent fully discharges the amount released by the first respondent federation for the sanction of the said mortgage loan, the documents cannot be released.

5.However, the learned Government Advocate for the fourth respondent fairly conceded that the writ petitioner has fully satisfied his loan, which he availed from the fourth respondent Housing Society.

6.This Court is of the considered view that having fully received the entire loan amount with interest from the petitioner and having issued a full satisfaction receipt of the mortgage loan in favor of the petitioner in this regard, the fourth respondent ought to have immediately transferred the said amount to the first respondent. Having not done so, the respondent 1 and 4 are at joint liability to forthwith release the mortgaged documents in view of the full satisfaction of the mortgage loan to the petitioner. Accordingly, this Court hereby direct the fourth respondent to forthwith discharge the entire liability pertaining to the petitioner's mortgage loan with the first respondent and the first respondent is also directed to release the documents pertaining to the petitioner's mortgage deed within a period of 4 weeks from the date of receipt of copy of this order.



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7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

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30.01.2025

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

To

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L.VICTORIA GOWRI, J.

Mrn

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