



W.P.(MD)No.4039 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.03.2026**

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.4039 of 2023

and

W.M.P.(MD).No.3642 of 2025

Nagalakshmi

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu Cooperative Housing Federation,
48, Rithertont Road,
Veppary,
Chennai.

2.The Deputy Registrar (Housing),
5-A, Beasant Road,
Ramamoorthy Road,
Cokkikulam, Madurai-625 002.

3.The Secretary,
M.D.A.H.S.G.124, Madurai District All Cooperative Societies'
Workers and Public Service Cooperative Housing Society Ltd.,
Arasaradi, Madurai-625 013. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to return the petitioner's Original Sale deed Document No.



W.P.(MD)No.4039 of 2023

5751/1980 dated 20.11.1980 registered at Sub Registrar Office,
Thallakulam, Madurai.

For Petitioner :Mr.R.Murugappan

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

Mr.S.S.Madhavan, (for R2)
Additional Government Pleader

ORDER

The petitioner is before this Court seeking issuance of a Writ of Mandamus, directing the respondents to return the petitioner's original sale deed in Document No.5751 of 1980 dated 20.11.1980, registered at the Sub-Registrar Office, Thallakulam, Madurai.

2.The petitioner had availed a loan of Rs.2,50,000/- by mortgaging the original sale deed in Doc. No.5751 of 1980 dated 20.11.1980 registered at the Sub-Registrar Office, Thallakulam, Madurai. Thereafter, the petitioner repaid the entire loan amount and a discharge certificate was issued on 12.04.2017. However, the original sale deed deposited by the petitioner has not been returned. Hence, the present Writ Petition has been filed.



W.P.(MD)No.4039 of 2023

3.The learned counsel appearing for the first respondent filed a counter stating that the first respondent provides financial assistance to the third respondent, who in turn disburses loans to its members. In the present case, the third respondent is due a sum of Rs.4,60,790/- as of April 2024. In such circumstances, the sale deed deposited by the petitioner with the third respondent cannot be returned unless the third respondent discharges the loan amount due to the first respondent.

4.The learned Additional Government Pleader appearing for the second respondent submitted that on 20.04.2023 a proposal had been sent to the first respondent to release the original sale deed in favour of the petitioner, since the petitioner has discharged the loan amount.

5.In similar circumstances, a Coordinate Bench of this Court in W.P.(MD) No.5791 of 2024 dated 27.06.2024 directed the first respondent therein to release the sale deed to the petitioner while preserving the liberty of the first respondent to proceed against the society, which is the third respondent herein, in the manner known to law. The release of the sale deed cannot be denied to a borrower who has



W.P.(MD)No.4039 of 2023

discharged the loan amount. The petitioner, having discharged the loan amount, is entitled to the release of the document, and withholding the same would be arbitrary.

6. Accordingly, this Writ Petition stands allowed and the first respondent is directed to release the original sale deed in Document No. 5751 of 1980 dated 20.11.1980 to the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order, while preserving the liberty of the first respondent to proceed against the third respondent in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

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

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W.P.(MD)No.4039 of 2023

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W.P.(MD)No.4039 of 2023

HEMANT CHANDANGOUDAR, J.,

vsg

W.P.(MD)No.4039 of 2023

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