

BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 5th May, 2009.

H.R.M.P.No.225/09 & HRMP 820/09

Petitioners : K.T. Sasidharan Nair,
Thachottil (Sasi Nivas),
Elangulam, Koorali.P.O.,
Ponkunnam, Kottayam.
Respondents :

ORDER

The complaint of the petitioner in the above HRMPs is that he had taken loan from the Kanjirappally Housing Co-operative Society and at the time of availing loan documents were deposited in the Society. According to him he has cleared the dues by settling the entire loan amount but the Society has not returned the original title deeds to him.

In the report submitted by the Joint Registrar of Co-operative Societies (General), Kottayam, the above facts are admitted. It is stated in the report that since there was misappropriation of funds in the Society an enquiry is initiated and the society has to pay a sum of Rs.85/- lakhs to the State Housing Federation from which the Society had taken the amount and disbursed loans to the members of the Society.

The petitioner K.T. Sasidharan Nair, Nirmala, Joint Registrar of Co-operative Societies, Kottayam, and Joseph Kutty Joseph, Assistant Registrar of Co-operative Societies, Kottayam, are present. According to the officers since an amount of Rs.85/- lakhs is to be paid by the Kanjirappally Housing Society to the State Housing Federation the documents are not returned to the Kanjirappally Housing Society by the State

Housing Federation and therefore the documents of the petitioner are yet to be returned to him though he has repaid the entire loan amount.

I am unable to accept the said explanation offered by the officials for not returning the documents to the petitioner who has admittedly settled the loan amount in full. If there is a dispute with regard to the payment of amount by the Kanjirappally Housing Co-operative Society to the State Housing Federation then it can only be stated that it is intra society dispute for which the petitioner cannot be penalized. It is admitted by the Assistant Registrar of Co-operative Societies, Kottayam, that they have already issued directions to the Kanjirappally Housing Co-operative Society to return the documents to the petitioner and the said statement of the officer is also recorded in this order. On the above facts the Kanjirappally Housing Co-operative Society is directed to return the documents to the petitioner without any delay and if necessary they may take photo copies of the said documents if they require them for the enquiry which is initiated as regards the dispute between the Kanjirappally Housing Co-operative Society and the State Housing Federation.

The documents will be returned to the petitioner within four weeks from today (05—05—2009). Copy of this order be sent to the Kanjirappally Housing Society for compliance. Send a copy of the order to the petitioner, Managing Director, State Housing Federation as well as the Joint Registrar of Co-operative Societies,(General), Kottayam, for necessary action.

With the above direction the petition is closed.

Justice N.Dhinakar,
Chairperson, KSHRC.