

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2016

C O R A M

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN

WP.No.18547/2016

K.Krishnamoorthy

..

Petitioner

Versus

1.The District Co-operative Officer,
O/o. Co-operative Housing Society,
Thiruvannamalai District,
At Thiruvannamalai.

2.The Chengam Co-operative Housing
Society Ltd., No.NAHSC-3,
Rep.by its Secretary,
No.93/21, Kaithemillath Street,
Chengam - 606 701.

3.The Sub Registrar,
Chengam Sub Registrar Office.
Chengam, Thiruvannamalai District.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the respondents to consider the petitioner's representation dated 28.03.2016 and thereby direct the respondents to incorporate the details regarding cancellation of mortgage deed pertaining to the property in Survey No.191/2D2, Paramananthal Village, Chengam Taluk, Thiruvannamalai District totally to an extent of 0.77 cents and another extent of 0.15 cents in the encumbrance certificate immediately on the light of the proceedings of the 2nd respondent dated 16.12.2010.

For Petitioner ... Mr.A.S.Kumaresan
For Respondents ... Mr.L.P.Shanmugasundaram
Special Govt. Pleader (Co.op)

ORDER

Heard the learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, Special Govt. Pleader (Co.op) accepting notice for the respondents and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed the above writ petition seeking for a direction to the respondents to consider the petitioner's representation dated 28.03.2016 and thereby direct the respondents to incorporate the details regarding cancellation of mortgage deed pertaining to the property in Survey No.191/2D2, Paramananthal Village, Chengam Taluk, Thiruvannamalai District totally to an extent of 0.77 cents and another extent of 0.15 cents in the encumbrance certificate immediately on the light of the proceedings of the 2nd respondent dated 16.12.2010.

3. The case of the petitioner is that he has obtained a loan for a sum of Rs.25,000/- by executing a mortgage deed with the second respondent, vide Document No.2451/1999 dated 14.09.1999 in respect of the property situated in Survey No.191/2D2, Paramananthal Village, Chengam Taluk, Thiruvannamalai District. However, as per the order of the Government in G.O.Ms.No.18252/J2, 2006-1 dated 15.09.2006, the entire loan amount availed by the petitioner was waived by the Government. Accordingly, the second respondent has sent a letter dated 16.12.2010 in No.N.A.HSG-2, Chengam to the Sub Registrar, Chengam about waiving of the debt by the Government, but till date, the mortgage deed executed by the petitioner was not cancelled and the original document in respect of the said property was not handed over to the petitioner and the same is pending with the second respondent for the past six years.

4. The learned Special Government Pleader (Co.op) appearing for the respondents agrees to dispose of the representation of the petitioner dated 28.03.2016 within a stipulated time.

5. In view of the above facts and circumstances, the second respondent is directed to consider the petitioner's representation dated 28.03.2016 for return of the above said original documents, and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of the copy of the order.

6. The writ petition is disposed of with the above direction. No costs.
RGR

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The District Co-operative Officer,
O/o. Co-operative Housing Society,
Thiruvannamalai District,
At Thiruvannamalai.

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3.The Sub Registrar,
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Chengam, Thiruvannamalai District.

+ 1 cc to Mr.S.KUmaresan, Advocate SR 28913

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