IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.29885 of 2016 & W.M.P.No.28035 of 2016

1. Rajashree.R
2. Iyer Ramkumar Subramanian .. Petitioners

Vs.

1. The Sub-Registrar,
   Joint-I, Office of Sub Registrar,
   Saidapet, Chennai - 600 015.

2. The Regional Manager,
   LIC Housing Finance Ltd.,
   Harrington Chambers,
   Bolock C No.30/1a,
   Abdul Razack I Street, Saidapet,
   Chennai - 600 015, Tamil Nadu. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to consider the representation dated 26.07.2016 to issue No Objection Certificate to the first petitioner enabling them to register the proposed released deed at the office of the first respondent.

For Petitioner : Mr.S.Vasu
For Respondents : Mr.A.Kumar,
Spl. Government Pleader - R1
No appearance - R2

ORDER

This Writ Petition has been filed to direct the second respondent to consider the representation dated 26.07.2016 to issue 'No Objection Certificate' to the first petitioner enabling them to register the proposed released deed at the office of the first respondent.

2. According to the petitioners, they are husband husband and wife and they are not in terms and they have also got

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

divorce. They have arrived at a consensus and the second petitioner has given up his share over the property and the second petitioner is intending to execute the release deed in favour of the first petitioner. The second petitioner is co-operating for the execution of Release deed and also represent the same reiterating to the second respondent to the effect that the responsibility of repayment of the loan amount in due course will be borne by the first petitioner. When the petitioners approached the first respondent to execute the proposed release deed, they refused to register the same for want of 'No Objection Certificate' from the second respondent. Therefore, the petitioners made a representation to the second respondent for issue of 'No Objection Certificate'. But, till date, the 'No Objection Certificate' has not been issued by the second respondent. Hence, the petitioners have come forward with the present Writ Petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the first respondent. Inspite of service of notice on the second respondent and his name printed in the cause list, none appeared on behalf of the second respondent.

4. Hence, this Court directs the second respondent to consider the representation of the petitioners dated 26.07.2016, on merits and in accordance with law and pass orders as expeditiously as possible, in any event within a period of eight weeks from the date of receipt of a copy of this Order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sub-Registrar,
Joint-I, Office of Sub Registrar,
Saidapet, Chennai - 600 015.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

2. The Regional Manager,
LIC Housing Finance Ltd.,
Harrington Chambers,
Bolock C No.30/1a,
Abdul Razack I Street, Saidapet,
Chennai - 600 015, Tamil Nadu.

+1cc to Mr.S. Vasu,, Advocate, S.R.No.71643

md(16/12/2016)

W.P.No.29885 of 2016

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/