



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.10.2016

Coram

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD)No.17523 of 2016

WEB COPY

T.Abbas Mandhiri

. . .

Petitioner

-Vs-

1.The District Registrar,
Office of the District Registrar,
Periyakulam,
Theni District.

2.The Sub Registrar,
Office of the Sub Registrar,
Theni, Theni District.

3.The Branch Manager,
Canara Bank,
Theni Branch,
Theni.

. . .

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent in Ka.No.249/2016 dated 26.07.2016 and quash the same and consequently direct the 1st and 2nd Respondent to cancel the entry in respect of the property for which the No objection Certificate issued by the 3rd Respondent in Survey No. 1675/1A1 comprising 327 sq.ft (.075 cent) of house site of the petitioner.

For petitioner

:Mr.M.A.M.Raja

For respondents

:Mr.K.P.Krishna Doss

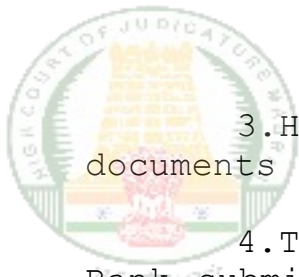
Govt. Advocate for RR-1 & 2

N.Dilip Kumar for R-3

ORDER

Challenging the proceedings of the 2nd respondent, dated 26.07.2016 and for a consequential direction to the 1st and 2nd respondents to cancel the entry in respect of the property, for which No objection Certificate issued by the 3rd Respondent, the petitioner has come up with this writ petition.

2.According to the petitioner, he borrowed a loan from the third respondent Bank and also executed an equitable mortgage. Now, the petitioner wants to release one of the properties from the mortgage, enabling him to sell the same, for which, the third respondent bank has no objection. The petitioner approached the second respondent to release the particular property, but the second respondent rejected his request by stating that there is no partial cancellation of equitable mortgage. Challenging that order, the present writ petition has been filed.



3. Heard the submissions made on either side and perused the documents carefully.

4. The learned counsel appearing for the third respondent Bank submitted that he has no objection for releasing one of the properties mortgaged by the petitioner with the Bank.

5. The learned counsel appearing for the respondents 1 & 2 also submitted that there is no impediment for releasing one of the properties.

6. Recording above submission, this writ petition is disposed of directing the second respondent to delete the particular property from the registered equitable mortgage deed, as required by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to approach the second respondent with proper application along with the No Objection Certificate given by the respondent Bank, on receipt of the same, the second respondent is directed to pass orders. There shall be no order as to costs.

Sd/-

Assistant Registrar(p&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
Office of the District Registrar, Periyakulam.

2. The Sub Registrar, Office of the Sub Registrar,
Theni, Theni District.

+1cc to M/s.N.Dilip Kumar, Advocate SR.No.58468

+1cc to M/s.M.A.M.Raja, Advocate SR.No.58603

W.P. (md) .NO.17523 of 2016

04.10.2016

vs

SD/SKS-RR/05.10.2016/2P/5C