

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2018

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No. 19213 of 2018

R.Komarasamy

... Petitioner

vs.

1.State of Tamilnadu

rep. by the District Collector,
Salem, Salem District.

2.The Tahsildar,

Sankari Taluk,
Salem District.

3.The Sub Registrar,

McDonald Chouldry,
Salem District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the respondents 1 and 2 to come forward to register the discharge receipts to cancel the mortgage deeds dated 27.01.1987 registered as Doc.Nos.L109 to L111/1987 on the file of the 3rd respondent in view of the discharge of loan, in respect of 3.74 acres bearing S.No.44/2, Gudalur Village, Sankari Taluk, Salem District by considering the petitioner's representation dated 26.08.2015, 23.09.2016, 01.10.2016, 27.10.2016, 05.02.2018 and 18.07.2018.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.V.Jayaprakash Narayanan

Special Government Pleader for R1 & R2

Mr.T.M.Pappiah

Special Government Pleader for R3

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of mandamus, directing the respondents 1 and 2 to come forward to register the discharge receipts to cancel the Mortgage Deed dated 27.01.1987 on the file of the third respondent in view of the discharge of loan, in respect of 3.74

acres bearing S.No.44/2, Gudalur Village, Sankari Taluk, Salem District, by considering the petitioner's representations dated 26.08.2015, 23.09.2016, 01.10.2016, 27.10.2016, 05.02.2018 and 18.07.2018.

2. The learned counsel appearing for the petitioner submitted that though the petitioner has given several representations to the respondents, the respondents have not passed any order so far.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the third respondent submitted that the respondents may be directed to consider the petitioner's representations and pass orders on merits in accordance with law, after giving notice to all the interested parties, within a time frame.

4. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, I direct the respondents 1 and 2 to consider the representations of the petitioner dated 26.08.2015, 23.09.2016, 01.10.2016, 27.10.2016, 05.02.2018 and 18.07.2018, within a period of four weeks from the date of receipt of a copy of this order and thereafter, the third respondent shall consider the representations as well as the order to be passed by the respondents 1 and 2 and pass consequential order within a period of four weeks, based on the orders of the respondents 1 and 2.

5. With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
State of Tamilnadu,
Salem,
Salem District.

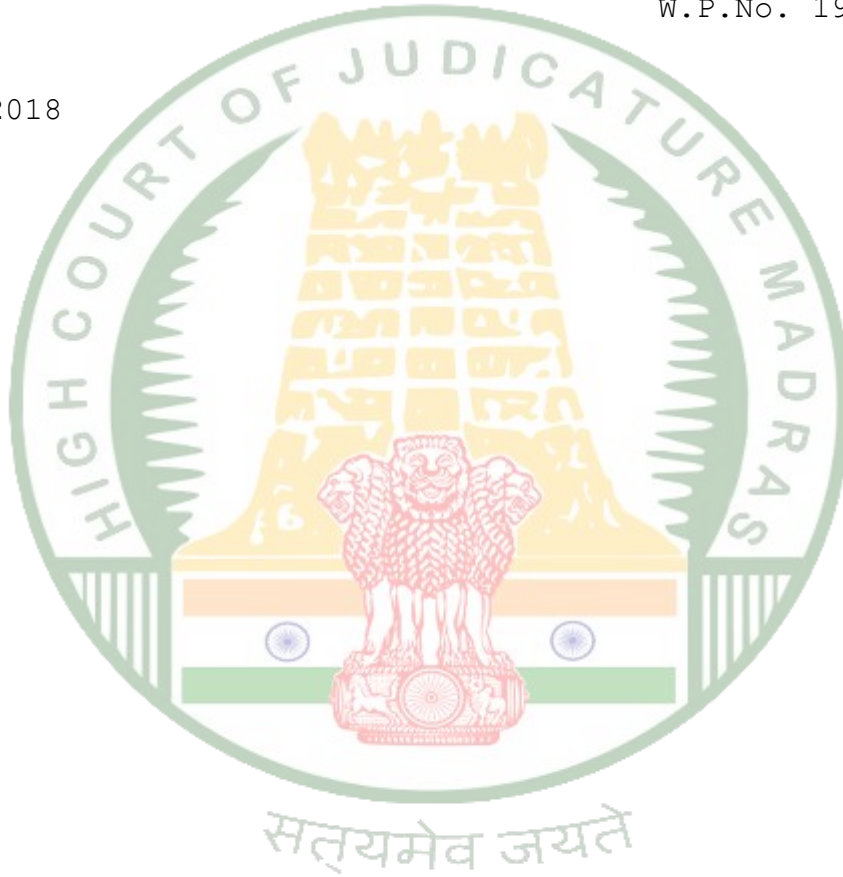
2.The Tahsildar,
Sankari Taluk,
Salem District.

3.The Sub Registrar,
McDonald Chouldry,
Salem District.

+1cc to Mr.N.Manokaran, Advocate sr.no.55263
+1cc to Government Pleader sr.no.55364

W.P.No. 19213 of 2018

vsnii(co)
nr 30/08/2018



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