



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.11.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P. (MD) No. 23556 of 2019

WEB COPY

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... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Block Development Officer,
Agasteeshwaram Block,
Perumalpuram,
Kottaram Post,
Kanyakumari District.
3. The Village Administrative Officer,
Kulasekarapuram Village,
Kanyakumari District.
4. The Sub-Registrar,
Sub Registrar Office,
Kottaram,
Kanyakumari District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to cancel the mortgage deed vide Document No.1386/1976, dated 18.05.1976 registered at fourth respondent office vide the petitioner's representation dated 04.10.2019.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.K.MU.Muthu
Additional Government Pleader
for R.1 to R.3
Mr.V.Anand
Government Advocate
for R.4

ORDER

Mr.D.Saravanan, learned Counsel on record for writ petitioner, Mr.K.MU.Muthu, learned Additional Government Pleader on behalf of respondents 1 to 3 and Mr.V.Anand, learned Government Advocate who accepts notice on behalf of fourth respondent are before this Court.



2. With consent of aforesaid learned Counsel, main writ petition is taken up, heard out and is being disposed of.

3. This matter turns on a very narrow compass now. Crux of the writ petition is writ petitioner's plea to cancel a registered mortgage deed dated 18.05.1976 registered as document No.1386/1976 in the office of the fourth respondent on the ground that mortgage has been discharged. In support of her plea, photocopies of receipts have been enclosed in the typed set of papers.

4. State Counsel, on instructions from the officers present from the offices of respondents 2 and 4, submits that it is necessary for the writ petitioner to produce the original receipts before the second respondent in support of writ petitioner's plea that the mortgage has since been discharged.

5. Responding to this, learned Counsel for writ petitioner submits that writ petitioner is 78 years old and therefore, writ petitioner's son's son (grandson) viz., Clinton, son of Sukumaran, aged about 25 years will go over to the office of the second respondent with all original receipts and supporting documents if any on 18.11.2019 (Monday) at 11.00a.m., in the morning.

6. The second respondent is directed to examine the original receipts, supporting documents if any and take a decision. If there is any arrears or any other dues pertaining to the mortgage, it is open to the second respondent to inform the writ petitioner's grandson about the same and it is open to the writ petitioner to either make good or dispute the same. This exercise shall be completed on or before 02.12.2019.

7. Be that as it may, post aforesaid exercise, if the mortgage is discharged, the prayer of the writ petitioner shall be acceded to and the aforesaid mortgage deed shall be cancelled. If that not be so, the second respondent shall make proceedings and communicate the same to the writ petitioner on or before 16.12.2019 under due acknowledgment.

8. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Block Development Officer,
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Perumalpuram,
Kottaram Post,
Kanyakumari District.
- 3.The Village Administrative Officer,
Kulasekarapuram Village,
Kanyakumari District.
- 4.The Sub-Registrar,
Sub Registrar Office,
Kottaram, Kanyakumari District.

+1 CC to Mr.D.SARAVANAN, Advocate (SR-97406[F] dated 11/11/2019)

W.P. (MD) No.23556 of 2019
11.11.2019

VB(19.11.2019) 3P 6C