



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11500 of 2020

S.Pothumponnu

... Petitioner

Vs.

1.The Regional Manager,
Reserve Bank of India,
No.40, Ford Glacis Buildings,
No.16, Rajaji Salai, Parrys,
Chennai - 600 001.

2.The Manager,
GIC HFL Ltd.,
Shop No.C & D, A.R. Plaza,
16/17, North Veli Street,
Madurai - 625 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to transfer the petitioner's name in the house property in Survey No.270/1A1 and Survey No.462/10 with an extent of 0.02.2 (2252 $\frac{1}{4}$ Sq. ft.) situated at Manamadurai Group, Manamadurai, Sivagangai District.

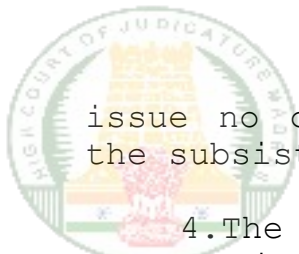
For Petitioner : Mr.T.Indrachithu
For Respondents : Mr.Pala Ramasamy for R2

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned standing counsel appearing for the second respondent.

2.Thiru.Marimuthu mortgaged the petition mentioned property in favour of the second respondent. The petitioner is said to be the second wife of the mortgager. He has since passed away. The petitioner states that all the legal heirs have agreed to release their share in the property in favour of the petitioner herein. But before such release of document could be registered, the registration authority will insist on no objection certificate from the second respondent. The second respondent is ready to give such no objection certificate, provided all the transactions are subject to the mortgage standing in favour of the second respondent herein.

3.It is for the petitioner herein to obtain such appropriate letters as may be expected by the second respondent from the remaining legal heirs. If the release document recognizes the subsistence of the mortgage, the second respondent is directed to



issue no objection certificate making the transactions subject to the subsisting mortgage.

4.The writ petitioner and the other legal heirs of Late.Marimuthu shall give draft release deed for approval of the second respondent. After the registration of the release deed, the petitioner shall execute a fresh mortgage deed in favour of the second respondent.

5.The writ petition is disposed of on these terms. No costs

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.K, MALAIMARAN, Advocate (SR-17644[F] dated 22/09/2020)

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SS (CO)

AP (05/10/2020) 2P 2C