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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.5523 OF 2019

N.Subash Chand Jain

... Petitioner

Vs

1. Sub Registrar,
Neelangarai,
South Chennai.
2. District Collector,
Kancheepuram District,
Kancheepuram.
3. The District Collector,
Chennai District,
Having Office at Singaravelan Maaligai,
Chennai - 600 001.
[R-3 impleaded vide order dated 21.09.2021 made
in W.M.P.No.20251 of 2021 in W.P.No.5523 of 2019]

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to issue No Objection Certificate for the release of document No.P373/2012 and P374/2012, dated 14.09.2012 pending on the file of the first respondent in respect of property measuring to an extent of 1.50 cents (5450 sft) situated at Spring Garden, Second Street, Akkarai, Sholinganallur Village No.155, comprised in Old Survey No.1/1CF and present R.S.Nos.1/329 and 1/330 as per Patta Nos.1710 and 1711, within a time period fixed by this Court.

For Petitioner : Mr.M.V.Seshachari

For Respondents : Mr.A.Selvendran
Special Government Pleader
(for R-1 to R-3)



O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the second respondent to issue No Objection Certificate for the release of document No.P373/2012 and P374/2012, dated 14.09.2012 pending on the file of the first respondent in respect of property measuring an extent of 1.50 cents (5450 sft) situated at Spring Garden, Second Street, Akkarai, Sholinganallur Village No.155, comprised in Old Survey No.1/1CF and present R.S.Nos.1/329 and 1/330 as per Patta Nos.1710 and 1711, within a time period as may be fixed by this Court.

2. The case of the petitioner is that one C.Surendran and his son S.Karthik had borrowed loan from the Indian Overseas Bank, Kilpauk Branch, by mortgaging their respective shares in the property as per the registered memorandum of deposit of title deeds dated 15.11.2010, vide Document No.6074 of 2010 on the file of the Sub Registrar Office, Neelankarai. Thereafter, they have defaulted in repayment of the loan amount and as such, the said Indian Overseas Bank initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. In the auction sale, the petitioner was the successful bidder in respect of the said property, which was mortgaged by them. After repayment of the entire sale consideration in full, the authorised officer of the Indian Overseas Bank, Kilpauk Branch had executed two separate documents such as discharge receipt dated 13.09.2012 and issued sale certificate dated 13.09.2012 in favour of the petitioner, thereby, conveying the entire subject property. The said documents were presented for registration before the first respondent on 14.09.2012. The first respondent had assigned the same as pending document numbers P.Nos.373 and 374 of 2012. The petitioner also paid requisite fees, stamp duties and registration charges for registration of those documents. However, the first respondent had kept the documents as pending, since there were some objections from the office of the second respondent, vide letters dated 30.11.2009 and 26.12.2009 with regard to property comprised in S.No.1/1F situated at Akkarai, Sholinganallur Village, since the Information Department of Consulate General of the Russian Federation owned property in Old S.No.1/1F corresponding to New R.S.No.1/113 of Sholinganallur Village.

3. The objections raised by the second respondent related to the property comprised in R.S.No.1/113 only, whereas, the properties purchased by the petitioner are situated in R.S.Nos.1/329, 1/330, 1/331 and 1/332 comprised in Patta Nos.1710, 1711, 1712 and 1713, which stood in the name of the above said persons viz., C.Surendaran and his son Mr.S.Karthik.



Therefore, the first respondent, by communication dated 19.09.2012 requested the second respondent for issuance of No Objection Certificate to release the pending documents in favour of the petitioner. However, the second respondent did not reply to the communication sent by the first respondent and therefore, the petitioner has filed this Writ Petition for direction to the second respondent to issue "No Objection Certificate". While pending the Writ Petition, the District Kanchipuram has been bifurcated and the subject land is now annexed Chennai District. Therefore, the second respondent filed a memo dated 28.08.2019 before this Court to get instructions from the third respondent/District Collector, Chennai in this regard and the same is taken on file.

4. Considering the above facts and circumstances of this case, the first respondent is directed to issue letter to the third respondent/District Collector, Chennai, seeking information about the subject property comprised in Old Survey No.1/1CF and present R.S.Nos.1/329 and 1/330 as per Patta Nos.1710 and 1711 situated at Spring Garden, Second Street, Akkarai, Sholinganallur Village, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the third respondent/District Collector, Chennai is directed to send his remarks within a period of three weeks thereafter. On receipt of the same, the first respondent is directed to release the documents presented for registration as Pending Document P.Nos.373 and 374 of 2012 forthwith, if they are otherwise in order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Registrar,
Neelangarai,
South Chennai.
2. The District Collector,
Kancheepuram District,
Kancheepuram.



3. The District Collector,
Chennai District,
Having Office at Singaravelan Maaligai,
Chennai - 600 001.

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+1cc to Mr.M.V.Seshachari, Advocate, S.R.No.62577

+1cc to the Government Pleader, S.R.No.62964

W.P.No.5523 of 2019

PVS (CO)
RLP (22/12/2021)