



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.10520 of 2021

WEB COPY

G.Lakshmanan

... Petitioner

vs.

1.The Deputy Registrar,
Office of Deputy Registrar of Cooperative Societies,
Thirukovilur.

2.The Secretary,
Thirukovilur Primary Cooperative Agricultural
and Rural Development Bank,
Thirukovilur.

3.The Sub Registrar,
Office of Sub Registrar,
Thiruvannainallur.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take necessary steps within a stipulated time period to cancel the Mortgage Deed dated 23.03.1978 registered as Doc.No.334 of 1978 based on the receipt letter given by the 2nd respondent in Letter TP/98064061/2020 dated 05.11.2020.

For Petitioner : Mr.A.Rajarajan

For Respondents : Mr.M.R.Gokul Krishnan,
Government Advocate for R1 & R3
Mr.L.P.Shanmugasundaram,
Standing Counsel for R2

O R D E R

The petitioner availed loan from the second respondent Bank by mortgaging his ancestral property and also executed a Mortgage Deed dated 23.03.1978. The Government of Tamil Nadu, vide order dated 31.03.2006, had waived the loan and therefore, the second respondent ought to have cancelled the Mortgage Deed executed by the petitioner. However, the second respondent has not made any attempt to cancel the mortgage deed executed by the petitioner and therefore, he has submitted a representation dated 25.02.2021 to the first respondent to take steps to cancel the mortgage deed, as the entire loan amount was waived by the State Government. Since no action has been taken by the



respondents 1 and 2 so far, the petitioner has filed the present writ petition.

2. Mr.M.R.Gokul Krishnanan, learned Government Advocate for the respondents 1 and 3 has fairly submitted that the representation of the petitioner dated 25.02.2021 would be considered by the first respondent on merits and in accordance with law.

3. Though the petitioner has enclosed a copy of the representation dated 25.02.2021, he has not enclosed the proof of acknowledgment in the typed set of papers. Considering the contention/grievance expressed by the petitioner, this Court directs the petitioner to furnish a copy of the representation along with this order to the first respondent within a period of one week from the date of receipt of a copy of this order and on such representation being made, the first respondent, after affording opportunity to the parties concerned, shall consider and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

4. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jvm

To

1.The Deputy Registrar,
Office of Deputy Registrar of Cooperative Societies,
Thirukovilur.

2.The Secretary,
Thirukovilur Primary Cooperative Agricultural
and Rural Development Bank,
Thirukovilur.

3.The Sub Registrar,
Office of Sub Registrar,
Thiruvannainallur.

+1cc to Mr.A.Rajarajan, Advocate, S.R.No.32507
+1cc to the Government Pleader, S.R.No.32614

W.P.No.10520 of 2021

UM(CO)
SB(03/08/2021)