



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P.No.12776 of 2021

P.Abdul Rahim

.. Petitioner

Versus

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Revenue Divisional Officer,
Cheyyar Revenue Division,
Cheyyar,
Tiruvannamalai.

3.The Sub Registrar,
Vandavasi,
Tiruvannamalai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to cancel the mortgage dated 21.01.1978, registered before the 3rd respondent as Document No.191/1978 in respect of property in Survey No.313/3C, situated at Vandavasi Revenue Village, Tiruvannamalai District.

For Petitioner : Mr.B.Jawahar
For Respondents : Mr.C.Kathiravan
Government Advocate

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the 1st respondent to cancel the mortgage dated 21.01.1978, registered before the 3rd respondent as Document No.191/1978 in respect of property in Survey No.313/3C, situated at Vandavasi Revenue Village, Tiruvannamalai District.

2.It is the case of the petitioner that the petitioner, while serving as Assistant at Taluk Office, Vandavasi, applied for Home Loan from the Government and that a sum of Rs.18,000/- was sanctioned. The loan was secured by a mortgage which was registered as Document No.191/1978 before the 3rd respondent.



3.The grievance of the petitioner is that he discharged the entire loan with interest and that he was relieved from service on 30.04.1993, after submitting the "No Due Certificate". Despite the fact that the mortgage loan was discharged, respondent failed to discharge the mortgage by executing the required deed and register the same in the manner known to law. The mortgage that was created earlier was not yet discharged or cancelled in the manner known to law.

4.Learned Government Advocate appearing for the respondents has no objection for disposing of the writ petition with direction to the 1st respondent to cancel the mortgage deed dated 21.01.1978 in the manner known to law.

5.Accordingly, this writ petition is allowed and the 1st respondent is directed to cancel the mortgaged deed dated 21.01.1978 registered before the 3rd respondent vide Document No.191/1978 by executing and registering the required document through an authorized representative of the respondents, within a period of twelve weeks from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssr

To

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Revenue Divisional Officer,
Cheyyar Revenue Division,
Cheyyar,
Tiruvannamalai.

3.The Sub Registrar,
Vandavasi,
Tiruvannamalai District.

+1cc to Mr.B.Jawahar, Advocate SR.No.28060
+1 cc to Government Pleader Sr.No. 28155

W.P.No.12776 of 2021

SRA(CO)
B.VC(19.07.2021)