



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15341 of 2021
and W.M.P.No.16227 of 2021

D.Janaki

... Petitioner

-Vs-

The Sub Registrar,
Neelangarai Sub Registrar Office,
Neelankarai, Chennai 600 041.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent herein to register the settlement deed to be executed by petitioner in favour of her two sons without insisting for the cancellation of the registration of the mortgage entry in favour of Mrs.Radha S.Burnier dated 15.03.2011, registered as Document No.656 of 2001, on the file of the Sub Registrar Office, at Neelankarai.

For Petitioner : Mr.G.R.Lakshmanan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, to direct the respondent herein to register the settlement deed to be executed by petitioner in favour of her two sons without insisting for the cancellation of the registration of the mortgage entry in favour of Mrs.Radha S.Burnier dated 15.03.2011, registered as Document No.656 of 2001, on the file of the Sub Registrar Office, at Neelankarai.

2. Heard Mr.G.R.Lakshmanan, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent.

3. The petitioner purchased the property by way of a sale deed dated 01.12.2000, registered vide Document No.431 of 2000. The petitioner was an employee in the Office of the Theosophical Society Headquarters and she was one of the House Keepers under one Radha S.Burnier. The petitioner borrowed loan from the said Radha S.Burnier and executed mortgage deed



on 15.03.2001, registered vide Document No.656 of 2001. Thereafter, the petitioner repaid the entire loan and the said Radha S.Burnier, had handed over the title deed and also mortgage deed to the petitioner. Thereafter, the said Radha S.Burnier died on 31.10.2013. However, when the petitioner verified with the respondent for registration of the settlement deed, the respondent replied that the settlement deed cannot be registered unless the mortgage in favour of the said Radha S.Burnier is discharged by executing a Receipt for the Discharge of the Mortgage Deed, dated 15.03.2001, registered vide Document No.656 of 2001.

4. According to the petitioner, the entire loan has been already discharged and the original mortgage deed and the title deed has been handed over to the petitioner and the petitioner is in possession of the same.

5. Considering the above, the petitioner is directed to present the settlement deed for registration along with all the original parent documents including the mortgage deed. On receipt of the same, the respondent is directed to verify the same and register, if otherwise in order. It is also made clear, that whenever there is any charge over the property by the mortgage deed, dated 15.03.2001, it is open to the mortgagee or her legal heirs to take action to proceed as against the subject property.

6. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Sub Registrar,
Neelangarai Sub Registrar Office,
Neelankarai, Chennai 600 041.

+1 cc to Government Pleader Sr.NO.65338
+1 cc to Mr.G.R.Lakshmanan, Advocate Sr.NO. 64681

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PL(CO)
A.SK(27.12.2021)