



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.9672 of 2021

(Through Video Conference)

Dr.Velraj

... Petitioner

Vs.

- 1.The Additional Registrar,
District Cooperative Society,
District Office Building, Block No.1,
Theni, Theni District.
- 2.The District Assistant Registrar,
Primary Agricultural Cooperative Society,
I.D. Bank Upstairs,
Opp. Indian Bank,
Uthamapalayam, Theni District.
3. Kottakudi Primary Agricultural Cooperative Society,
Bodinaickanur,
Bodinaickanur Taluk,
Theni District.
4. Kalaiselvi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to enquire in accordance with law, the appeal of the petitioner dated 09.04.2021 regarding the issuance of nil encumbrance of mortgage certificate by the 3rd respondent granted to the fourth respondent.

For Petitioner : Mr.P.Sivachandran

For Respondents : Mr.P.Thillak Kumar,
Standing Counsel

O R D E R

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.



2. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's appeal dated 09.04.2021 regarding the issuance of nil encumbrance of mortgage certificate by the 3rd respondent granted to the fourth respondent.

4. Aggrieved by the arbitrary and irrational stand taken by the third respondent in granting the 'nil encumbrance certificate' in favour of the fourth respondent, without insisting on the production of the fourth respondent's succession certificate to the subject property, the petitioner has filed an appeal to the first respondent on 09.04.2021. Till date, no action has been taken by the respondents to dispose of the Appeal and it is still pending. Hence, this writ petition.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the Appeal filed by the petitioner.

6. The learned standing counsel for the respondents would state that the Appeal filed by petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner, the respondents are directed to dispose of the appeal filed by the petitioner, dated 09.04.2021, on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

It is also made clear that if there are any other interested parties claiming right over the subject property, they shall also be issued notice and opportunity shall be given to raise their objections, if any.

8. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

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.

To:

- 1.The Additional Registrar,
District Cooperative Society,
District Office Building, Block No.1,
Theni, Theni District.

- 2.The District Assistant Registrar,
Primary Agricultural Cooperative Society,
I.D. Bank Upstairs,
Opp. Indian Bank,
Uthamapalayam, Theni District.

+1 CC to M/s.P.SIVACHANDRAN, Advocate (SR-19001[F] dated 08/06/2021)

Order made in

W.P (MD) No.9672 of 2021

_CN(21.06.2021) 3P 4C