



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4155 of 2022

K.S.Sivakumar

... Petitioner

Vs.

1.The District Registrar,
Salem,
Salem District.

2.The Sub-Registrar,
Suramangalam Sub-Registrar Office,
Salem,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to remove the entry/encumbrance in pursuant to mortgage deed dated 08.09.1983 in document No.1579/1983 in respect of property in Re.S.No.275/3C at Jagirammalayam Village, Salem Taluk, Salem District.

For petitioner : Mr.M.Elango

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the second respondent to remove the entry/encumbrance in pursuant to mortgage deed dated 08.09.1983 in document No.1579/1983 in respect of property in Re.S.No.275/3C at Jagirammalayam Village, Salem Taluk, Salem District.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.



3. The case of the petitioner is that petitioner is the owner of the property comprised in Survey No.275/3, situated at Jagirammalayam Village, Salem Taluk and District. He acquired the property from his paternal aunt namely, Angammal by way of a Will dated 23.07.2008. However, the said Angammal had executed a mortgage deed in favour of one Karuppannan on 08.09.1983 and the same was registered before the second respondent office in document No.1579/1983. Subsequently, the petitioner claimed that Angammal had cleared the loan and obtained the receipt from Karuppannan. Thereafter, petitioner made a representation on 11.02.2022 before the second respondent seeking to remove the encumbrance created in respect of mortgage deed dated 08.09.1983. However, till date no action has been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the second respondent to consider the petitioner's representation dated 11.02.2022 within the time frame that may be fixed by this Court and the petitioner is ready to produce the discharge receipt before the second respondent.

5. The learned Special Government Pleader appearing for the respondents submits that the petitioner's representation dated 11.02.2022 will be considered by the respondents within the time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the petitioner to produce the discharge receipt before the second respondent. If such a receipt is produced, the second respondent is directed to consider the petitioner's representation dated 11.02.2022, and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

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To

1.The District Registrar,
Salem,
Salem District.

2.The Sub-Registrar,
Suramangalam Sub-Registrar Office,
Salem,
Salem District.

+1cc to Mr.M.Elango, Advocate SR.No.13507

+1cc to Government Pleader SR.No.13824

W.P.No.4155 of 2022

SPD(CO)
GMY(21/03/2022)