



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.NO.15512 OF 2022

M.Rajagopalan

...Petitioner

Vs.

1.The District Registrar,
Registration District-South Chennai,
Nandanam, Chennai 600 035.

2.Sub-Registrar Joint-1,
Saidapet, South Chennai, Nandanam,
Chennai 600 035.

3.Thirumylai Sasfwatha Sahaya Nidhi Ltd.,
No.230, Ramakrishna Mutt Road,
Mylapore,
Chennai 600 004.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the 1st respondent consider to remove the endorsement with respect to MOD Doc.No.5282 of 1995 dated 08.12.1995 made in the Sale Deed document No.4971 of 1995 dated 16.11.1995.

For Petitioner : M/S.T.M.Pappiah

For R1 & R2 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to consider removal of the endorsement with respect to MOD Doc.No.5282 of 1995, dated 08.12.1995 made in the Sale Deed document No.4971 of 1995, dated 16.11.1995.

2. The case of the petitioner is that he had purchased property from the Tamil Nadu Housing Board, through a registered sale deed, dated 16.11.1995, vide Doc.No.4971/1995,



on the file of Joint Sub Registrar-I, Chennai South, bearing Flat H-23/1, situated in Survey No.171/part Kalakshetra Colony, Besant Nagar, Phase-1, Chennai. Due to some financial crisis, the petitioner mortgaged the aforesaid property and entered Memorandum of Deposit (hereinafter in short "MOD") with third respondent on 08.12.1995, vide Doc.No.5282 of 1995. Thereafter, in the year 2000, the petitioner re-paid the entire loan amount to the third respondent. However, the said MOD was not cancelled. In the meanwhile, the third respondent/Thirumylai Sasfawtha Sahaya Nidhi Ltd., was dissolved. Therefore, the petitioner made a representation dated 29.03.2022 before the first respondent/District Registrar, seeking to remove the endorsement with respect to MOD Doc.No.5282 of 1995. As the said representation made by the petitioner has evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that it would suffice, if this Court, issues direction to the first respondent to consider the petitioner's representation dated 29.03.2022 by removing the entry made in the petitioner's document and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 has no objection for the said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the first respondent to take steps to remove the said entry/endorsement made in the petitioner's document by considering the petitioner's representation dated 29.03.2022 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the petitioner and the third respondent/Company.

6. With the above observations and directions, this Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The District Registrar,
Registration District-South Chennai,
Nandanam, Chennai 600 035.

2. Sub-Registrar Joint-1,
Saidapet, South Chennai, Nandanam,
Chennai 600 035.

3. Thirumylai Sasfwatha Sahaya Nidhi Ltd.,
No.230, Ramakrishna Mutt Road,
Mylapore, Chennai 600 004.

+2ccs to Mr.B.Saravanakumar, Advocate Sr.No.38046

+1cc to the Government Pleader Sr.No.39342

W.P.No.15512 of 2022

SKM(CO)
RVM(06/07/2022)