



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18790 of 2020

And

W.M.P.No.23353 of 2020

Smt.B.Kanniammal

... Petitioner

Vs.

1.The Chief Executive Officer,
Tamil Nadu Khadi and Village
Industries Board,
Kuralagam Building, 5th Floor,
Esplanade,
Chennai - 600 108.

2.Mr.V.Bakthavatsalam

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to release original sale deed dated 02.04.1981 and also give a no due certificate.

For Petitioner : Mr.Govind Chandrasekhar

For Respondents : No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to release original sale deed dated 02.04.1981 and also to give a no due certificate.

2.The case of the petitioner is that the second respondent is the husband of the petitioner and when he was posted as Assistant in the office of the first respondent, he availed loan facility on mortgage basis and requested the petitioner to mortgage the petitioner's property. The second respondent mortgaged the property for an amount of Rs.1,00,000/- out of which Rs.78,710/- was sanctioned. The petitioner got separated



from the second respondent during the year 2005 and was unaware of the EMI payment of the loan availed. Thereafter, the petitioner came to know that the second respondent has an outstanding due of an amount of Rs.46,306/- and hence, she approached the first respondent requesting to return the original sale deed and she was willing to pay the amount of Rs.46,306/-, however, the first respondent refused to receive the outstanding amount from the petitioner. In this regard the petitioner made representation to the first respondent through counsel and since there was no response, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, the petitioner paid the entire outstanding amount to the first respondent and the first respondent also issued no due certificate in favour of the petitioner on 14.09.2021 and also agreed to release the document. Hence, this Court may permit the petitioner to produce appropriate receipt before the jurisdictional Sub Registrar Office for cancellation of mortgage deed.

4.Heard the learned counsel appearing for the petitioner. There is no representation for the respondents.

5.During the pendency of this writ petition, the petitioner has paid the entire outstanding amount to the first respondent and the first respondent has also issued no due certificate in favour of the petitioner on 14.09.2021. Since the appearance of the second respondent is exempted under Section 88 of the Registration Act, this Court grants liberty to the petitioner to file appropriate application before the jurisdictional Sub Registrar Office along with the no due certificate dated 14.09.2021. If any such application is filed, the concerned jurisdictional Sub Registrar, shall pass appropriate orders in accordance with law.

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

pri



To

1. The Chief Executive Officer,
Tamil Nadu Khadi and Village
Industries Board,
Kuralagam Building, 5th Floor,
Esplanade,
Chennai - 600 108.

+1cc to Mr. Govind Chandrasekhar, Advocate, S.R.No.2067

W.P.No.18790 of 2020

And

W.M.P.No.23353 of 2020

PMK (CO)
CB(04/02/2022)