



WEB COPY



W.P.No.28331 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.28331 of 2022

V.Janarthanan

... Petitioner

Vs.

1.Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
4th Floor, District Collectorate,
Tiruppur – 641 604.

2.Deputy Registrar of Cooperative Societies,
Dharapuram Region,
Dharapuram – 638 656,
Tiruppur District.

3.The Special Officer,
Kongal Nagaram Primary Agricultural,
Co-operative Credit Society,
Kongal Nagaram,
Madathukulam Taluk,
Tiruppur District.

4.The Inspector of Police,
Commercial Crime Investigation Wing (CCIW),
Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith execute the discharge mortgaged receipt in respect of the document



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No.1508/2004 registered on the file of the sub registrar, Gomangalam and return the original documents within the stipulated time.

For Petitioner : Mr.M.Ravi
For R1 & R2 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
For R3 : Mr.K.Karthikeyan
Government Advocate

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to forthwith execute the discharge mortgage receipt in respect of Document No.1508/2004, registered on the file of the Sub Registrar, Gomangalam and return the original documents within stipulated time that may be fixed by this Court.

2. The case of the petitioner is that he is a member of the third respondent/Society and after mortgaging his agricultural property, the petitioner had availed a loan from the third respondent Bank/Co-operative Credit Society on 08.01.2004. The grievance of the petitioner is that, he intended to discharge the entire loan amount, for which he approached the third respondent to execute the discharge mortgage receipt in respect of Doc.No.1508 of 2004. Further, the third respondent sent a letter to the second respondent on 10.11.2021 to discharge the petitioner's property free



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of encumbrance. In order to discharge his mortgaged property, the petitioner executed a indemnity bond on 29.10.2021 to the third respondent and stated that the petitioner is ready to pay any dues in future, pursuant to which, the third respondent, stated that investigation is pending with the fourth respondent regarding bogus loans. Hence, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner, on instructions, submitted that the petitioner is ready to pay the entire loan amount that stands in the name of the petitioner. He further contented that, after payment of the entire loan amount, the third respondent may be directed to execute the discharge mortgage deed in favour of the petitioner, without prejudice to the right in the criminal cases pending against the offenders.

4. The learned Additional Government Pleader and the learned Government Advocate appearing for the respondents has no serious objection for the said direction being passed.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the



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case, directs the respondents to execute the discharge mortgage receipt after payment of entire loan amount that stands in the name of the petitioner. The aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations and direction, this Writ Petition is disposed of. No costs.

27.10.2022

Index : Yes / No
Speaking order: Yes/ No
jd

To

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M.DHANDAPANI, J.

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