



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8453 of 2022

Mani

... Petitioner

/Vs./

The Branch Manager,
State Bank of India,
Thirumayam,
Pudukkottai District - 622 507.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue 'NOC' in respect of the crop loan borrowed by the petitioner in respect of the properties in S.No.14/2F (4 Acres 55 cents) S.No.210.3 (3 acres 09 cents) situated at Neyveli Village, Valakurichi Post, Sekaram Neyveli Panchayat, Ponnamaravathi Union, Thirumayam Taluk, Pudukkottai District in Document No.1210/1986 by considering the representation of the petitioner dated 31.03.2022.

For Petitioner	: Mr.R.Maheswaran for Mr.G.Mohammed Ajmal Khan
For Respondent	: Mr.M.Ponniah Standing Counsel

ORDER

This writ petition has been filed for a limited relief. The petitioner seeks consideration of his representation dated 31.03.2022 seeking for cancellation of the mortgage as well as issuance of NOC from the respondent. The petitioner claims that he has already borrowed money from the respondent by mortgaging the properties in S.No.14/2F (4 Acres 55 cents) S.No.210.3 (3 acres 09 cents) situated at Neyveli Village, Valakurichi Post, Sekaram Neyveli Panchayat, Ponnamaravathi Union, Thirumayam Taluk, Pudukkottai District in the year 1986.

2.According to the petitioner, the aforementioned loan has now been waived by the respondent. In such circumstances, he has given a representation on 31.03.2022 seeking for cancellation of the mortgage as well as issuance of No Objection Certificate. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.R.Maheswaran, learned Counsel for the writ petitioner and Mr.S.Ponniah, learned Standing Counsel, who accepts notice on behalf of the respondent.



4.No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing.

5.For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 31.03.2022 seeking for cancellation of the mortgage registered as Document No.1210/1986 as well as issuance of No Objection Certificate and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of three [3] months from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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TO

The Branch Manager,
State Bank of India,
Thirumayam,
Pudukkottai District - 622 507.

+1 CC to M/s.M. PONNIAH, Advocate (SR-22020[F] dated 28/04/2022)
order made in

W.P. [MD]No.8453 of 2022

Dated:

28.04.2022

SS (CO)
GC(23.05.2022) 2P 3C