

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16408 of 2022

T.Muthucharam

... Petitioner

Vs

1.The Superintending Engineer,
Madurai Electricity Distribution Circle/Metro,
K.Pudur, Madurai – 625 007.

2.The Sub-Registrar, (Registration),
Arasaradi,
Madurai.

3.Basheer

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent herein to send a communication along with acknowledgement of debt as sent earlier to the second respondent herein so as to enable petitioner to discharge the mortgage deed executed by the third respondent herein dated 06.04.1993 vide Doc.No.1364/02.07.1993 in favour of the first respondent herein and after discharge of mortgage deed, direct the first respondent herein to return the

original title deed dated 19.12.1992 deposited with the first respondent in respect of the property comprised in S.No.41/2 in house Plot No.16, measuring an extent of 2320 Sq.ft. in Karadipatti Village, Madurai South Taluk, Madurai District.

For Petitioner : Mr.M.Thirunavukkarasu
For R-1 : Mr.S.Arivalagan,
Standing Counsel.
For R-2 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent.

2. The petition mentioned property belonged to the third respondent. The third respondent settled the property in favour of his wife on 03.09.1997. The petitioner's mother purchased the property from the wife of the third respondent on 04.02.2009. Later the property was settled in favour of the writ petitioner on 31.05.2019. The petitioner came to know that the vendor/third respondent

herein owed to pay a sum of Rs.2,41,408/- (Rupees Two Lakhs Forty One Thousand Four Hundred and Eight only) to TNEB. This amount was paid by the petitioner on 03.12.2015. He is also having a original receipt. Since the mortgage effected by the third respondent has been registered, the same will have to be formally discharged. The discharge certificate also will have to be registered. Therefore, the petitioner approached the first respondent. The first respondent was gracious enough to send a communication dated 23.09.2020 to the second respondent. But the said communication reads that the discharge receipt if presented by the third respondent, may be registered. Now the difficulty faced by the petitioner is that the whereabouts of the vendor/third respondent are not known. Therefore, the petitioner wants one more communication from the first respondent authorizing her to present the discharge receipt. In other words, she wants the first respondent to re-issue the communication dated 23.09.2020, but in her name. No exception can be taken to the said request. After all, the petitioner had cleared the dues of the third respondent. Now that the property is in her name, she has stepped into the shoes of the third respondent.

3. Therefore, the first respondent is directed to send one more communication to the second respondent authorizing the petitioner to present the documents relating to discharge of the petition mentioned mortgage deed dated 06.04.1993. Such a communication will be issued by the first respondent to the second respondent within a period of four (4) weeks from the date of receipt of a copy of this order.

4. Hence the Writ Petition is allowed on the above said terms. There shall be no order as to costs.

02.09.2022

Index : Yes / No

Internet : Yes/ No

Nsr

To

1.The Superintending Engineer,
Madurai Electricity Distribution Circle/Metro,
K.Pudur, Madurai – 625 007.

2.The Sub-Registrar, (Registration),
Arasaradi,
Madurai.

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G.R.SWAMINATHAN, J.

Nsr

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