



W.P.No.8424 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.03.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.8424 of 2023

Jayakumar.D

... Petitioner

Vs

1. The Joint Registrar of the
Co-operative Societies,
4th Floor, Collectorate,
Tiruppur.
2. The Assistant Registrar of the
Co-operative Societies,
Dharapuram Region,
Dharapuram,
Tiruppur District.
3. The Sub Registrar Cum
Auditing officer of the Co-operative Societies,
Gudimangalam,
Udumalpet Taluk,
Tiruppur District.
4. The Secretary,
K. 797, Kongalnagaram Primary
Agricultural Cooperative Credit Society,
Kongalnagaram,
Udumalpet Taluk, Tiruppur District.



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5. The Inspector of Police,
CCIW CID, Coimbatore Rural Unit
Police Station,
Coimbatore – 641 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to cancel the mortgage deed Document No.2484 of 2012 on the file of the Sub Registrar Office, Gomangalam within a time frame as fixed by this Hon'ble Court by considering the petitioner's representation dated 21.11.2022.

For Petitioner : Mr.D.R.Arun Kumar
for Mr.Mohd Yaqoob Kafeel

For Respondents : Mr.Murali - R1 to R3 & R5
Government Advocate
Mrs.M.Jayanthi, - R4
Additional Government Pleader

ORDER

Mr.Murali, learned Government Advocate accepts notice for R1 to R3 and R5 and Mrs.M.Jayanthi, learned Additional Government Pleader accepts notice for R4. Both are armed with requisite instructions to dispose the matter finally, even at the stage of admission.

2. The petitioner had availed a loan of Rs.5.00 lakhs from R4 Society on 07.08.2012 and, as a collateral, had mortgaged the agricultural lands in S.F.Nos.91/2A, 92/2, 92/4 and 92/5 in Kongal Nagaram Village, Udumalpet Taluk measuring 4.11 acres (in short 'property/property in question').



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According to him, the Government of Tamil Nadu had, by virtue of a policy decision, taken on 31.03.2016, waived the entire agricultural loan including the interest of Rs.5,33,700/- and issued a waiver certificate to that effect.

3. Thus, the dues of the petitioner were effaced in full, despite which, the petitioner states that he was unable to cancel the said mortgage. A representation has been made by the petitioner on 21.11.2022 and the petitioner seeks a mandamus directing the respondents to cancel the mortgage deed bearing No.2484 of 2012 on the file of the Sub-Registrar, Gomangalam.

4. Similar matters have been heard by this Court, wherein, it has been noted that R4 has been brought under the control of an Administrator and is under investigation by R5, who is in possession of all the records of the society.

5. Mr.Murali would assure the Court that the petitioner's representation will be considered and if it is ascertained that there are, indeed, no dues as stated by the petitioner and no role by the petitioner in connection with the malpractice committed by R4, for which a specific direction would be issued and findings rendered by R4 and R5, intimation will be given to the authorities concerned and the mortgage discharged.

6. The respondents would accede that the process as above will be completed within a period of one month from date of receipt of a copy of this order.



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7. This Writ Petition is disposed in the above terms. No costs.

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Index : Yes / No

Speaking/non-speaking Order
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