



WEB COPY

W.P.No.27160



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.11.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.27160 of 2023

R.Gnanasekaran

... Petitioner

Vs.

1.State Bank of India
Rep. by its Branch Manager,
Tiruvannamalai Branch,
Tiruvannamalai-606 601

2.The Sub-Registrar,
Tiruvannamalai,
Tiruvannamalai-606 601

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 12.1.2021 and 12.7.2021 and 1.8.2022 within the time schedule fixed by this Court and to take necessary steps to cancel the mortgage Endorsement relating to petitioner's agricultural land situate in Mekalure Village, Kilpennathur Taluk, Tiruvannamalai District.

For Petitioner : Mr.S.Udayakumar

For Respondents : Mr.K.Chandrasekaran (for R1)
Mr.KMD.Muhilan (for R2)
Additional Government Pleader



ORDER

On 07.11.2023 the following order has been passed:

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'Mr.K.Chandrasekaran, learned counsel, appearing for the respondent / State Bank of India confirms fairly that the financial arrangements that have been availed by the petitioner from the respondent bank have been fully settled by way of One Time Settlement. He would thus accede to the position that the mortgage endorsement relating to the agricultural land in Mekalure Village, Kilpennathur Taluk, Tiruvannamalai District is liable to be cancelled.

2.Let the aforesaid position be reduced into writing such that it forms part of record, with a copy served on the petitioner.

3.List on 15.11.2023.'

2.Today, memo dated 15.11.2023 has been filed on behalf of R1 to following effect:

'It is respectfully submitted on behalf of the 1st Respondent as follows:

1.It is submitted that by representations dated 12.01.2021, 12.07.2021, and 01.08.2021, the Petitioner requested the bank to raise the attachment made in EP No.403 of 2004 in OS No.317 of 2002 on the file of the District Munsif Court, Thiruvannamalai. It is mistakenly mentioned in the said representations that a mortgage entry is reflected in the encumbrance certificate relating to the agricultural lands.

2.It is submitted that in the aforesaid EP No.403 of 2004 the Hon'ble District Munsif Court attached the said agricultural land in the execution proceedings. It is submitted that the petitioner has paid the amount due under the above decree and Full satisfaction memo was recorded on 4.8.2005. However, the attachment was not raised by the District Munsif Court. The 1st respondent State Bank of India hereby records its consent and no objection for raising the



attachment to be filed before the Execution Court at Thiruvannamalai.

3.It is submitted that the necessary no objection cum consent will be filed in the execution Court, if the petitioner makes such application.

4.If the Petitioner approaches this Respondent Bank for no objection letter to be addressed to Sub-Registrar, 2nd respondent, for raising the attachment, it will be issued after verifying the description of the property.

It is humbly prayed to record this memo and render justice.'

3. Recording the memo filed, and as no further order is required to be passed in this writ petition, the same is closed. No costs.

15.11.2023

vs

Index : Yes / No

Speaking Order/Non-speaking order

Neutral Citation:Yes/No

To

1.State Bank of India

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DR.ANITA SUMANTH, J.

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