



W.P.(MD)Nos.464 and 465 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.464 and 465 of 2023

W.P.(MD)No.464 of 2023:-

Dhanavalli

... Petitioner

Vs.

**The Sub Registrar,
Registration Department,
Nainarkovil,
Ramanathapuram District.**

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to dispose of the petitioner's representation made to him in person on 09.11.2022 relating to the removal of entry regarding the mortgage deed dated 29.04.1993 in the Encumbrance Register maintained by the Respondent by conducting an enquiry in the manner known to law within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

**For Respondent : Mr.N.Satheeskumar,
Addl. Government Pleader.**

W.P.(MD)No.464 of 2023:-

Dhanaraj

... Petitioner



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Vs.

The Sub Registrar,
Registration Department,
Nainarkovil,
Ramanathapuram District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to dispose of the petitioner's representation made to him in person on 09.11.2022 relating to the removal of entry regarding the mortgage deed dated 29.04.1993 in the Encumbrance Register maintained by the Respondent by conducting an enquiry in the manner known to law within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

For Respondent : Mr.N.Satheeskumar,
Addl. Government Pleader.

COMMON ORDER

Heard the learned counsel on either side.

2.The case of the writ petitioners is that the mortgage executed by them in the year 1993 was settled in the year 1998 itself. If that be so, the petitioners will have to file a suit for declaration and obtain relief that the mortgage has been discharged. In the alternative, the petitioners can enter into bilateral document with the mortgagee and the discharge deed can be registered. The



W.P(MD)Nos.464 and 465 of 2023

respondent at the instance of the writ petitioners cannot delete the petition mentioned entry in the encumbrance register. If according to the petitioner, the Limitation Act is in their favour, it is for them to workout their rights in the manner known to law.

3.With these observations, the writ petitions are dismissed. No costs.

27.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The Sub Registrar,
Registration Department,
Nainarkovil,
Ramanathapuram District.



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W.P(MD)Nos.464 and 465 of 2023

G.R.SWAMINATHAN, J.

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