



WP(MD)No.12385 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.12385 of 2021

Saraswathi Ammal

...Petitioner

/Vs./

1.The Managing Director,
Tiruchirappalli District Central Cooperative Bank Ltd.,
No.1, Fort Station Road,
Trichy – 620 002

2.The General Manager,
No.1050, Tiruchirappalli City Cooperative Bank Ltd.,
81, E.V.R.Road, Puthur,
Trichy – 620 017

3.The Sub Registrar,
Joint -III, Sub Registrar Office,
Trichy District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent to cancel the mortgage deed registered as No.2192/2004 in the 3rd respondent office based on the petitioner's representation dated 19.02.2021.

For Petitioner : Mr.K.K.Kannan

For R3 : Mr.K.S.Selvaganesan

Addl. Government Pleader



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ORDER

This writ petition has been filed for issuance of writ of mandamus directing the second respondent to cancel the mortgage deed registered as Doc.No.2192 of 2004 in the third respondent Sub Registrar Office.

2. The case of the petitioner is that a loan was availed from the second respondent bank and for this purpose, a mortgage deed was executed by giving the property as security and this mortgage deed was registered before the third respondent in Doc.No.2192 of 2004. The further case of the petitioner is that the entire loan amount has been settled and the original document has also been handed over to the petitioner. However, the mortgage was not cancelled. Hence, the petitioner made a representation in this regard on 19.02.2021. Since the same was not acted upon, the present writ petition has been filed before this Court.

3. Heard Mr.K.K.Kannan, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Addl. Government Pleader for the third respondent.



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4. In the considered view of this Court, the petitioner has already settled the entire loan and even the original document has been handed over to the petitioner. Hence, there is no reason for the mortgage to get reflected in the encumbrance and it has to be necessarily cancelled. Hence, there shall be a direction to the second respondent to act upon the representation made by the petitioner on 19.02.2021 and take steps to cancel the mortgage deed registered as Doc.No.2192 of 2004. This process shall be completed by the second respondent within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

5. This writ petition is disposed with the above directions. No costs.

19.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To,
The Sub Registrar,
Joint -III, Sub Registrar Office,
Trichy District.



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.12385 of 2021

Dated:
19.10.2023