



W.P.(MD) No.14514 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.14514 of 2021

Ponnalagu

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Annavasal, Pudukottai District.

2.The Secretary,
MM 575, Nallur Primary Agriculture
Co-operative Credit Society,
Nallur, Ponnamaravathi Taluk,
Pudukottai District.

3.The Secretary,
Ponamaravathi Co-operative Primary Agriculture
and Rural Development Bank (D.R.L. (T) 6),
Ponnamaravathi,
Pudukottai District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second and third respondents to issue No Due Certificate and acknowledgment receipt for redemption in respect of registered mortgage loans through Document No.410/1986 dated 09.07.1986 and Document No.10/1992 dated 21.01.1992 respectively on the basis of the representation dated



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14.06.2021, within time frame fixed by this Court, enabling the petitioner to register the Document in RFL/Annavaasal/31/2021 dated 22.04.2021 on the file of the first respondent.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the second and third respondents to issue No Due Certificate and Acknowledgment Receipt for redemption in respect of registered mortgage loans made through Document No.410/1986 dated 09.07.1986 and Document No.10/1992 dated 21.01.1992 respectively based on the representation made by the petitioner on 14.06.2021.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The case of the petitioner is that the vendor of the petitioner had availed loan from the second respondent Society and he had also executed a Mortgage Deed through registered Document No.410/1986 dated 09.07.1986. Similarly, the vendor of the petitioner had also availed loan



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from the third respondent Bank and mortgaged the property through registered Document No.10/1992 dated 21.01.1992.

4. The specific case of the petitioner is that the entire loan amount has been repaid back to the second and third respondents. The petitioner had purchased the property in the year 2000 through registered Sale Deed dated 13.01.2000 registered as Document No.35/2000. The petitioner wanted to deal with the property and since there was a reflection of existing mortgage in the Encumbrance Certificate, the petitioner made a representation to the second and third respondents to issue No Due Certificate and Acknowledgment Receipt for redeeming mortgage loans. Since the same was not considered, the present Writ Petition has been filed.

5. The learned Additional Government Pleader appearing for the respondents submits that the vendor of the petitioner must approach the second and third respondent and only then steps will taken to redeem the mortgage loans and issue No Due Certificate.



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WEB COPY 6. In the considered view of this Court, there is no dispute with regard to the fact that the loan amount has already been repaid. Hence, it is a too hypertechnical on the part of the second and third respondents to insist for presence of the vendor who had sold the property to the petitioner 23 years back. Therefore, the second and third respondents will have to act upon the representation made by the petitioner on 14.06.2021 and must issue No Due Certificate and Acknowledgment Receipt. This process shall be completed by the second and third respondents within a period of 6 weeks from the date of receipt of a fresh representation made by the petitioner. The petitioner is directed to make the fresh representation to the second and third respondents along with copy of this order.

7. Accordingly, this Writ Petition is disposed of with the above observations. No cost.

06.11.2023

Index: Yes/ No
Neutral Citation: Yes / No
Speaking order / Non-Speaking order

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To

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N.ANAND VENKATESH, J.

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