



W.P.(MD) No.22133 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD) No.22133 of 2021

T.Sakthivel

.. Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar (Registration),
Madurai South, Madurai District.

2.The Joint Registrar No.4,
Office of the Joint-4 Registrar (Registration),
Palanganatham, Madurai District.

3.P.Soundarapandian

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents to cancel the document dated 22.12.2000 in Document No.6009/2000 registered on the file of Respondent No.2.

For Petitioner : Mr.S.Malaikani

For RR1 & 2 : Mr.B.Saravanan
Additional Government Pleader



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For R3 : Mr.I.Saliyakhan

ORDER

This Writ Petition has been filed for issuance of a writ of Mandamus directing the first respondent to cancel the document based on the representation made by the petitioner on 26.11.2021.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. The case of the petitioner is that his father had borrowed a sum of Rs.30,000/- (Rupees Thirty Thousand only) from the third respondent and has given the property as security by means of mortgage deed dated 22.12.2000. The father of the petitioner died in the year 2002 and according to the petitioner, the entire amount was repaid back and the third respondent was refusing to cancel the mortgage deed.



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4. The further case of the petitioner is that the third respondent had filed a suit in O.S.No.728 of 2013 and had sought for recovery of the amount from the petitioner and three others based on the mortgage deed. This suit was dismissed for default on 15.12.2016. Even thereafter, the third respondent was not coming forward to cancel the mortgage deed. It is under these circumstances, a representation was made to the first and second respondents seeking for cancellation of the mortgage deed.

5. In the considered view of this Court, the ground that has been raised by the petitioner for cancellation of the mortgage deed cannot be dealt with by the respondents 1 and 2. The petitioner has made a claim that the entire amount has been repaid back to the third respondent and that the third respondent is refusing to cancel the mortgage deed. The petitioner has to go before the competent civil Court and seek for the relief for cancellation of the document and this issue cannot be dealt with by the respondents 1 and 2. Except giving this liberty, no further orders can be passed in this Writ Petition.



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6. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

21.11.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

ssb



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N. ANAND VENKATESH, J.

ssb

To

- 1.The District Registrar,
Office of the District Registrar (Registration),
Madurai South, Madurai District.
- 2.The Joint Registrar No.4,
Office of the Joint-4 Registrar (Registration),
Palanganatham, Madurai District.

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