



W.P(MD)No.27739 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27739 of 2022

K.Abdul Jaffer

... Petitioner

Vs.

- 1.The District Registrar,
Combined Registration Office,
Dindigul Collectorate Complex,
Dindigul.
- 2.The Sub Registrar,
Senthurai Sub Registration Office,
Senthurai, Natham Taluk,
Dindigul District.
- 3.M.Avitha Beevi
- 4.M.Mubarak
- 5.M.Boushiya Banu
- 6.M.Nazira Banu
- 7.K.Mauilla Mohammed

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to cancel the forged sale deed dated 20.11.2013 vide document No.885/2013 on the file of the 2nd respondent and thereby the 1st respondent to consider the



W.P(MD)No.27739 of 2022

petitioner's representation dated 19.09.2022 within a time frame as fixed by this Court.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 & R2.
Mr.S.Abuthaheer for R3 to R6.
Mr.A.Shajahan for R7.

ORDER

Heard the learned counsel on either side.

2.The prayer in the writ petition is for directing the first respondent to cancel the petition mentioned sale deed.

3.It is not the case of the petitioner that he is owner of the property. He is only a mortgagee. The only right which any mortgagee has is to enforce the mortgage. He can file an appropriate suit for foreclosure. Merely because a property is the subject matter of mortgage, that does not mean that mortgagor cannot sell the property. The sale is subject to mortgage. Therefore, the question of directing the first respondent to cancel the petition mentioned sale deed does not arise at all.



W.P(MD)No.27739 of 2022

WEB COPY

4. The writ petition is dismissed with liberty to the petitioner to work out his rights as mortgagee. No costs.

05.01.2023

Index : Yes / No
Internet : Yes/ No
ias

To:

1. The District Registrar,
Combined Registration Office,
Dindigul Collectorate Complex,
Dindigul.
2. The Sub Registrar,
Senthurai Sub Registration Office,
Senthurai, Natham Taluk,
Dindigul District.



WEB COPY



W.P(MD)No.27739 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.27739 of 2022

05.01.2023