



W.P(MD)No.28205 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28205 of 2022

S.Jothilakshmi

... Petitioner

Vs

1.The Deputy Inspector General of Registration,
Registration Department,
Thirumohur Road,
Othakadai,
Madurai.

2.The District Registrar (Administration),
Registration Department,
Collectorate Compus,
Dindigul.

3.G.Selvaraj

4.S.Sasikala

5.K.Balasihamani

6.Gazini Mohamad

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second to consider the petitioner representation dated 04.05.2022 and consequently direct the second respondent to remove the encumbrance of the properties in S.No.1569/2 to an extent of 2 Acre 17 cents (0.88.00 Ares) and S.No.1575/2 to an extent of 2 Acre 96 cents (1 Hec and 20 Ares) at Villpatti Village, Kodaikanal Taluk, Dindigul



W.P(MD)No.28205 of 2022

District vide Deed of Simple Mortgage document No. 291/2005 registered at the Sub Registrar office, Kodaikanal dated 28.03.2005.

For Petitioner : Mr.V.Muthumani

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R.1 & R.2

Mr.N.Thamimul Ansari for R.6

No Appearance for R.3 & R.4

R.5 - Died

ORDER

Heard the learned counsel on either side.

2.The writ petitioner submits that the petition mentioned properties are in her name as they were purchased for her benefit by her grandparents. The fact remains that a mortgage was created in respect of the petition mentioned lands and it was also registered. The petitioner now wants this Court to direct the second respondent to remove the encumbrance created under the said property. Such a relief cannot be granted in writ proceedings.

3.As rightly pointed out by the learned Additional Government Pleader in essence and in substance the petitioner wants the mortgage to be cancelled.



W.P(MD)No.28205 of 2022

If according to the petitioner her civil right has been infringed, the petitioner has to necessarily move the jurisdictional civil Court for appropriate relief. I make it clear that I have not gone into the merits of the matter.

4.Granted such liberty to the writ petitioner, this writ petition is dismissed. There shall be no order as to costs.

25.01.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

1.The Deputy Inspector General of Registration,
Registration Department,
Thirumohur Road,
Othakadai,
Madurai.

2.The District Registrar (Administration),
Registration Department,
Collectorate Compus,
Dindigul.



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G.R.SWAMINATHAN, J.

MGA

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