



W.P(MD)No.28970 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28970 of 2022

and

W.M.P(MD)No.22949 of 2022

Ahamad

... Petitioner

Vs

1.The Sub Registrar,
Ambasamudram Sub Registrar Office,
Tirunelveli District.

2.Muthupandi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip issued by the first respondent in RFL/Ambasamudram/51/2022 dated 14.12.2022 and quash the same as illegal and consequently direct the first respondent to register the cancellation for the mortgage deed dated 14.12.2022.

For Petitioner : Mr.A.Sankararamasubramanian

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

Mr.C.Saravanakumar for R.2



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ORDER

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Heard the learned counsel appearing on either side.

2. The property mentioned in the writ petition belongs to the second respondent. He had mortgaged the same in favour of the writ petitioner way back in the year 1985. The second respondent now wants to redeem the mortgage. When document to this effect was presented, the first respondent declined to receive the same on the ground that the original deed was not produced. The refusal check slip was issued citing this reason. Challenging the same, the writ petitioner has filed the present writ petition. The second respondent of course sailing with the petitioner.

3. After considering the rival contentions and objections raised by the learned Additional Government Pleader, I am more than satisfied that the impugned refusal check slip has to be quashed. The parties have arrived at a consensus. This is not a case in which there should be any insistence on the production of the original deed is necessary. After all, they only want to cancel the earlier mortgage.

4. In this view of the matter, the impugned refusal check slip is quashed.

The parties are permitted to re-present the document. The first respondent shall



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receive the same, register it and release it subject to fulfilment of usual formalities. This writ petition is allowed on these terms. There shall be no order as to costs.

06.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The Sub Registrar,
Ambasamudram Sub Registrar Office,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

MGA

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