



W.P(MD)No.29116 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.29116 of 2022

and

W.M.P(MD)No.23086 of 2022

Selin Jijini

... Petitioner

Vs

1.The District Registrar,
Kanyakumari District,
Nagercoil.

2.The Sub-Registrar,
Verkizhambi Sub-Registrar Office,
Verkizhambi,
Thiruvattar Taluk,
Kanyakumari District.

3.The Authorized Officer,
Tamilnad Mercantile Bank Limited,
Tirunelveli Region,
Tirunelveli.

4.The Branch Manager,
Tamilnad Mercantile Bank Limited,
Vickramasingapuram Branch,
Tirunelveli District – 627 425.

5.Selin Sharmini
6.E.Edwin Ajith

... Respondents



W.P(MD)No.29116 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to hold enquiry on the petitioner's representation dated 28.10.2022 and pass final orders within a stipulated time.

For Petitioner : Mr.PM.Vishnuvarthanan

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

Mr.A.R.M.Ramesh
for Mr.T.Thevan for R.3 & R.4

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the official respondents and the learned Standing Counsel appearing for the Tamilnad Mercantile Bank Limited.

2.The case of the petitioner is that property in question belonged to her father late Yesudhas. The petitioner claims that Yesudhas / her father executed a mortgage deed in her favour in the year 2006. It was a registered mortgage. According to the petitioner, the mortgage was not cancelled. Her allegation is that suppressing the same, another sister forcibly took her father and got another mortgage executed in favour of the Bank. The petitioner has given a



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complaint in this regard before the first respondent and wants this Court to direct the first respondent to enquire into the same.

3.I am not persuaded by the suppression of the writ petitioner. The first respondent has no role in the matter. Even if I assume that the case of the writ petitioner is true, still the second mortgage on the same property is not barred. If at all the second mortgage would be subject to the first mortgage. These are matters which will have to be resolved only before the jurisdictional civil Court. The first respondent cannot entertain any complaint at the instance of the writ petitioner in this regard.

4.Leaving open the rights of the writ petitioner to work out her remedies in the manner known to law, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.01.2023

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



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G.R.SWAMINATHAN, J.

MGA

To

- 1.The District Registrar,
Kanyakumari District,
Nagercoil.
- 2.The Sub-Registrar,
Verkizhambi Sub-Registrar Office,
Verkizhambi,
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