



W.P(MD)No.28697 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28697 of 2023

K.Gokul

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Jangit Nagar-B Zone,
Alagar Kovil Main Road,
Kathakinaru,
Madurai-625 301.

2.The Branch Manager,
Tamilnadu Mercantile Bank,
Pudur Branch,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to cancel the Memorandum of Deposit of Title Deed (MODT) vide MODT No. 1594/2018, dated 02.04.2018 registered on the file of the Othakadai Sub Registrar, Madurai North, Madurai and execute the discharge receipt by accepting the certified copy of the MODT, within the time frame fixed by this Court.

For Petitioner : Mr.M.Karthikeya Venkatachalapathy

For Respondents : Mr.C.Satheesh
Government Advocate for R1



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ORDER

Heard both sides.

2. The petitioner availed loan from the second respondent bank. Mortgage was created in favour of the creditor by depositing the original title document. Loan account has since been settled. The bank had also returned the original memorandum of deposit of title deeds. All the documents have also been released. However, the petitioner has to register the discharge certificate as otherwise the original mortgage will continue to reflect in the EC. When the petitioner wanted to register the same, the registering authority insisted on production of the original memorandum of deposit of title deed.

3. It appears that the petitioner lost the same. The second respondent is willing to extend his co-operation. Normally, for registering the discharge certificate, the presence of the second respondent may not be necessary. In this case, since the original documents have been lost, it is the second respondent who has to confirm that the discharge certificate is genuine. The petitioner is permitted to re-present the discharge certificate. The first respondent will register the same without insisting on production of the original document (memorandum of deposit of title deed). The second respondent is directed to extend his co-operation to facilitate such registration.



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4. The Writ Petition is allowed. No costs.

06.12.2023

Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Sub Registrar Office,
Jangit Nagar-B Zone,
Alagar Kovil Main Road,
Kathakinaru,
Madurai-625 301.



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G.R.SWAMINATHAN, J.

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