



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.6479 of 2018
and WMP.No.7995 of 2018

K. Loganathan

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative
Societies (Housing)
Vellore Region,
Vellore – 6

2. Vellore Co-operative Building Society Ltd.,
C-2009,
No.9/24, First Cross Street,
Bishop David Nagar,
Vellore – 1.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned auction notice in ARC No.2935/93-94 in CEP No.84/2000-2001 dated 19.02.2018 on the file of the 1st respondent in respect of the petitioner's property of land and building in Plot No.105, Phase – 2, Serial No.471, Tamil Nadu Housing Board, Sathuvachari,



Vellore having an extent of 81.74 sq.mts and quash the same and consequently direct the respondents to issue clearance certificate to the petitioner as to the subject loan in the name of the petitioner's father deceased K.A.Kuppusamy and also release the mortgage of the said property within a reasonable time to be fixed by this Court.

For Petitioner .. Mr.D.R.Arunkumar

For Respondents .. Mr.B.Tamil Nidhi
Addl.Government Pleader
for R1 & R2

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned auction notice in ARC No.2935/93-94 in CEP No.84/2000-2001 dated 19.02.2018 on the file of the 1st respondent in respect of the petitioner's property of land and building in Plot No.105, Phase – 2, Serial No.471, Tamil Nadu Housing Board, Sathuvachari, Vellore having an extent of 81.74 sq.mts and quash the same and consequently direct the respondents to issue clearance certificate to the petitioner as to the subject loan in the name of the petitioner's father deceased K.A.Kuppusamy and also release the mortgage of the said property within a reasonable time.



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2. The petitioner is one of the legal heirs of Kuppusamy Mudaliar. His father Kuppusamy Mudaliar had borrowed a sum of Rs.80,000/- as mortgage loan from the 2nd respondent/Vellore Co-operative Building Society Ltd., Vellore. This loan was obtained in the year 1990. A mortgage deed had been executed and the title deed of the property had been handed over to the respondents. It is now claimed that the entire mortgage has been discharged. The writ petition has therefore been filed seeking to set aside the auction notice.

3. Naturally when a mortgage amount has been paid the property cannot be brought on auction. Instructions have also been obtained on behalf of the respondents that the mortgage amount had been paid back to the second respondent.

4. A direction is issued to the respondents herein to make necessary entries in the encumbrance relating to the property about raising of attachment. The title deed of the property may be handed over after examining the right of the claimant to receive the title deed and ensuring



that if it is handed over to any one of the legal heir, that the other legal heirs have also give their No Objection Certificate. Attachment to be raised by applying to the jurisdiction Sub Registrar within a period of 15 working days from the date of receipt of a copy of this order.

5. With the above direction the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

16.12.2024

Index:Yes/No
Internet:Yes/No
dpq



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C.V.KARTHIKEYAN, J.

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To

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