



W.P.No. 11515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.11515 of 2024

Jayakumar

.. Petitioner

Versus

1. The General Manager,
The Salem District Central Co-operative Bank Limited,
Salem District-636 001.

2. The Branch Manager,
The Salem District Central Co-operative Bank Limited,
Edappadi Branch, Salem District – 636 105.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to execute the cancellation of Mortgage deed thereby cancel the Mortgage deed dated 22.03.2000 registered as Doc.No.387/2000 on the file of Sub-Registrar Office, Edappadi and to return all the Original documents deposited with the respondents at the time of execution of mortgage deed dated 22.03.2000 to me and pass orders.

For Petitioner : Mr.C. Santhanu for T.L. Thirumalaisamy



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For Respondents : Mr.M. Rajendiran
Additional Government Pleader

ORDER

This petition is filed to issue a writ of Mandamus directing the respondents to execute the cancellation of Mortgage deed and thereby cancel the Mortgage deed dated 22.03.2000 registered as Doc.No.387/2000 on the file of Sub-Registrar Office, Edappadi and to return all the Original documents deposited with the respondents at the time of execution of mortgage deed dated 22.03.2000 to the petitioner and pass orders.

2. The case of the petitioner is that he along with his father and brothers namely Thangavel and Selvaraj have executed a mortgage deed to the second respondent on 22.03.2000 and obtained a loan for a sum of Rs.4,00,000/- and the said document was registered as Doc.No.387/2000 on the file of Sub Registrar Office, Edappadi. The petitioner has paid the entire mortgage amount on 28.01.2010. Pursuant to which the father of the petitioner had executed a settlement deed in favour of the petitioner on 01.02.2010. Thereafter, the petitioner's father and his brothers who are part of the mortgage deed passed away. The grievance of the petitioner is



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that the second respondent issued “No Due Certificate” stating that the entire mortgage amount was paid and made an assurance that they will execute and register the cancellation of mortgage deed once they will execute and register the cancellation of mortgage deed once they get clearance from their Head Office. However, there is no progress on the part of the respondents to execute the Cancellation of Mortgage Deed. Hence, this petition.

3.The learned counsel for the petitioner submitted that the petitioner was made to run from pillar to post for executing the cancellation of Mortgage deed. He further submitted that due to in-action on the part of the respondents, the petitioner suffered monetary loss and great mental agony. Hence, prays to allow this petition.

4. The learned Additional Government Pleader appearing for the respondents produced a letter of the second respondent dated 20.06.2024, wherein it has been stated that the petitioner has re-paid the entire due amount. It was further stated that if the petitioner approaches the second respondent and give a fresh representation the same will be considered on



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its own merits and appropriate orders will be passed after obtaining instructions from the Head Office.

5. For the foregoing reasons, this Court directs the petitioner to give a fresh representation to the respondents with all necessary particulars required by the respondents and on receipt of the representation and other particulars the respondents are directed to verify the same and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition is disposed of. No order as to costs.

20.06.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

1. The General Manager,



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The Salem District Central Co-operative Bank Limited,
Salem District-636 001.

2. The Branch Manager,
The Salem District Central Co-operative Bank Limited,
Edappadi Branch, Salem District – 636 105.

V.BHAVANI SUBBAROYAN, J.



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