



W.P.No.20010 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.20010 of 2020

N.Malligeswari

...Petitioner

-Vs-

1.The Chairman and Managing Director,
The Tamil Nadu Civil Supplies Corporation
(Tamil Nadu Government Undertaking)
12, Thambusamy Road,
Kilpauk, Chennai – 600 010.

2.The Tamil Nadu Civil Supplies Corporation
(Tamil Nadu Government Undertaking)
represented by its General Manager (Admn.)
12, Thambusamy Road,
Kilpauk, Chennai – 600 010.

3.The Sub-Registrar,
Registration Department,
Pallavaram, Chennai.

4.The Sub-Registrar,
Registration Department,
Pammal, Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing respondents 1 and 2 herein, to execute and register Receipt Deed discharging the Mortgage created over the property situated at No.129,



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Pammal Village, Saidapet Taluk, Pammal Sub Registration District, Chennai
– South Registration District comprised in S.No.103/1, Plot No.6 of an extent of 2540 Sq.ft., vide Mortgage Deed executed by the husband of the petitioner C.Kandasamy in favour of the 1st respondent herein and to direct respondents 1 and 2 herein to return back the original title deeds, namely, Sale Deed executed on 18.08.1982 as Doc.No.3690 of 1982 in the office of the Sub Registrar, Pallavaram and other connected original documents within a time frame and to pass such further orders.

For Petitioner : Mr.D.Rajagopal
For R1 & R2 : Dr.K.Thirugnanam
For R3 & R4 : Mr.P.Ananda Kumar
Government Advocate

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing respondents 1 and 2 herein, to execute and register Receipt Deed discharging the Mortgage created over the property situated at No.129, Pammal Village, Saidapet Taluk, Pammal Sub Registration District, Chennai
– South Registration District comprised in S.No.103/1, Plot No.6 of an extent of 2540 Sq.ft., vide Mortgage Deed executed by the husband of the petitioner, C.Kandasamy in favour of the 1st respondent herein and to direct respondents 1 and 2 herein to return back the original title deeds, namely, Sale Deed executed on 18.08.1982 as Doc.No.3690 of 1982 in the office of the Sub



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Registrar, Pallavaram and other connected original documents.

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2. Learned counsel for the petitioner submitted that the Petitioner's husband, C.Kandasamy served in various posts in the Tamil Nadu Civil Supplies Corporation at various places between 20.03.1976 and 31.07.2011. While the Petitioner's husband was in service, he intended to own a house, for that purpose he had purchased a Plot out of his own source from one Amudhan and the sale deed was registered on 19.08.1982 in the office of the Sub Registrar, Pallavaram as Document No.3690/1982. The property covered under the sale deed is situated in Pammal comprised in S.No.103/1, Plot No.6 of an extent of 2540 Sq.ft. In order to put up construction on the said plot, Petitioner's husband had obtained a housing loan from the Tamil Nadu Civil Supplies Corporation of a sum of Rs.48,240/- which was sanctioned in 2 instalments in the year 1983 and 1986, vide Proceedings of the General Manager (Admn.) in F3/102476/82 dated 18.01.1983 and 23.09.1986. The entire loan amount and interest was fully repaid.

3. Learned counsel further submitted that at the time of sanction of the loan by the Tamil Nadu Civil Supplies Corporation, the Petitioner's husband had deposited the original title deeds pertaining to the above



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property with the 2nd Respondent and had also on 10.05.1983 had executed a mortgage deed in favour of the 2nd Respondent as security for due repayment of the loan and the said mortgage deed was registered on 21.05.1983 in the Office of the Sub Registrar, Pallavaram as Document No.2281/1983. As the loan was fully paid, the Petitioner's husband on several occasions requested the authorities of the 2nd Respondent to return back the original title deeds and also to execute and register receipt deed discharging the mortgage over the said property.

4. While so, the Petitioner's husband died on 19.12.2017, leaving behind the Petitioner and her 2 daughters as his legal heirs. Since the 2nd Respondent had failed and neglected to return back the original title deeds and failed to take steps to execute and register Receipt Deed discharging the mortgage over the property, the Petitioner sent several representations to the 2nd Respondent to this effect. After several requests, the 2nd Respondent handed over a copy of the letter dated 07.10.2020 which was addressed to the Sub Registrar, Pallavaram, wherein they had requested the Sub Registrar, Pallavaram, to register the Receipt Deed discharging the mortgage over the property. Along with the said letter, a copy of the draft Receipt Deed discharging the Mortgage was attached. However, the Sub Registrar,



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Pallavaram informed the Petitioner that the jurisdiction of the property now lies within the limits of Sub Registrar, Pammal. Therefore, the said document was presented and admitted on 09.10.2020 and Temporary Number in TP/96146301/2020 was issued by the Sub Registrar, Pammal and token number 4 was also issued with a time of registration between 1.00 p.m. and 1.30 p.m. However, the said document was returned by the Sub Registrar, Pammal, without registration of the Receipt Deed, for the reason that he has not received any communication from the 2nd Respondent regarding registration of the said Receipt Deed.

5. Learned counsel further submitted that the Petitioner again contacted the Head Office of the Tamil Nadu Civil Supplies Corporation Limited, narrated the events and handed over the returned draft Receipt Deed discharging the mortgage. They promised to take appropriate steps by sending a letter to the Sub Registrar, Pammal, to register the Receipt Deed discharging the Mortgage and to return the same so as to enable the 2nd Respondent to handover the original title deeds to the Petitioner. A representation dated 10.10.2020 was also sent by the Petitioner to the 1st Respondent requesting him to do the needful. But till date, Respondents 1 and 2 have not taken any steps and they have not addressed any letter to the



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Sub Registrar, Pammal, as promised. Consequently, the mortgage created over the property through Mortgage Deed dated 21.05.1983 is yet to be discharged by registering appropriate receipt deed, despite the fact that the entire housing loan with interest was repaid as early as in the year 2011 itself. In the absence of Original Title Deeds, the Petitioner could not deal with the property due to the dereliction of duty by the officials of respondents 1 and 2. Hence, the present writ petition has been filed.

6. A counter affidavit was filed on behalf of the 2nd respondent / Tamil Nadu Civil Supplies Corporation dated 24.07.2024. In paragraphs 2 and 7 of the aforesaid affidavit, the date of mortgage discharge receipt deed is mentioned as 08.01.2020, but the correct date is 10.05.1983. Hence, the 2nd respondent was directed to file a fresh affidavit. Accordingly, the 2nd respondent filed a Memo dated 01.08.2024 and the same was also taken on record.

7. Heard both sides and perused the materials placed on record.

8. In view of the above submission made by the learned counsel



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on either side, this Court issues the following directions:

- a) The fourth respondent / Sub-Registrar, Registration Department, Pammal, Chennai, is directed to complete the registration within a period of two days from today without insisting on the original Mortgage Deed dated 10.05.1983 vide Doc.No.2281 of 1983.**
- b) The formality of lodging the complaint with the local police and further search in respondents 1 and 2 offices shall be completed within a period of one month from today.**
- c) Respondents 1 and 2 may inform further developments of the proceedings as and when required to the petitioner.**
- d) Respondents 1 and 2 are directed to refund a sum of Rs.4,035/- as per the proceedings of the General Manager Administration vide R.C.No.AE8/17733/2017 dated 08.07.2024, within a period of two weeks.**

J.SATHYA NARAYANA PRASAD, J.

In the result, the writ petition stands disposed of with the above observation and directions. No costs.

01.08.2024

cda

Index : Yes / No



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Speaking / Non-Speaking Order

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- To
- 1.The Chairman and Managing Director,
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(Tamil Nadu Government Undertaking)
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 - 2.The General Manager (Admn.),
The Tamil Nadu Civil Supplies Corporation
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