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W.P.No.24641 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.24641 of 2024

A.Sridevi

...Petitioner

Vs.

1. The District Collector cum Chairman,
House Building Advance Disbursing Committee,
Collectorate,
Rajaji Salai, Chennai – 600 001.
2. The Registrar of Co-Operative Societies,
Office of the Registrar of Co-Operative Societies,
170 E.V.R.Periyar High Road,
Kilpauk, Chennai – 600 010.
3. The Special Officer,
The Kumbakonam Central Co-Operative Bank Ltd.,
Kumbakonam – 612 001.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent herein to execute and register Receipt for the Mortgage Deed Document No.2209 of 1980 on the file of Sub-Registrar office, Alandur in favour of the petitioner herein within a stipulated period which may be fixed by this Hon'ble court.



WEB COPY



W.P.No.24641 of 2024

For Petitioner : Mr.N.Mariappan

For Respondents : Mr.LSM.Hasan Fizal, AGP, for R1 & R3
: Mr.V.Nanmaran, AGP, for R2

ORDER

This Writ petition has been filed seeking direction to the 1st respondent to execute and register Receipt for the Mortgage Deed Document No.2209 of 1980 on the file of Sub-Registrar office, Alandur in favour of the petitioner.

2. Mr.LSM.Hasan Fizal, learned Additional Government Pleader takes notice on behalf of the 1st & 3rd respondents, Mr.V.Nanmaran, learned Additional Government Pleader takes notice on behalf of the 2nd respondent. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that, the petitioner's father K.Pichai Retnam purchased the house site plot comprised in S.Nos.24, 25 & 27, bearing No.4, Moovarasampet Village, Chengalput, measuring one ground



W.P.No.24641 of 2024

and 1403 sq.ft., for valuable sale consideration, vide registered sale deed bearing Doc.No.739 of 1979 and he subsequently submitted the original of the said Sale Deed Doc.No.739 of 1979, while availing an advance amount of Rs.30,000/- from the Governor of Tamil Nadu, Rep. by Pay and Accounts Officer (East), Department of Treasuries and Accounts, by executing a registered Mortgage Deed bearing Doc.No.2209 of 1980. As per the said mortgage deed, the above advance amount was payable in 100 EMI at Rs.300/- and interest shall be recovered at Rs.350/- p.m., immediately from the next month after the completion of the recovery of full amount of advance till the retirement of the Mortgagor. The petitioner's father retired on 31.10.1993 and during his service, both the EMI as well as the interest had been deducted from his salary without any default and in this regard, the General Manager, Vellore District Central Co-operative Bank Ltd, vide letter dated 30.11.2022 addressed to the 2nd respondent had stated that there is no pending due in respect of Housing Advance amount by the said K.Pichai Retnam(Retd.). While such being the case, the 2nd respondent, vide letter dated 24.06.2023 stated that 'No Loan pending certificate' cannot be issued on the ground that information regarding availing House building advance amount as well as its remittance by the petitioner's father were not received



W.P.No.24641 of 2024

by them from its Zonal Office, Vellore. Thereby, the petitioner made several requests before the 1st respondent seeking to take action to execute and register receipt for the Mortgage deed bearing Doc.No.2209 of 1980. However, till date, no orders have been passed on the said representations. Hence, the petitioner has come up with this Writ petition.

4. Learned counsel for the petitioner submitted that, though the petitioner's father repaid the entire advance amount along with interest, instead of taking necessary steps to execute and register Receipt for the Mortgage Deed Document No.2209 of 1980 on the file of Sub-Registrar office, Alandur in favour of the petitioner, the 1st respondent directed the petitioner to furnish certain documents, among which, as some of the documents were not furnished by the 2nd respondent itself, forcing the petitioner to produce the same is not sustainable. Accordingly, he prayed for appropriate orders.

5. On the above said contentions, heard learned Additional Government Pleader appearing on behalf of the respective respondents and perused the material documents placed on record.



W.P.No.24641 of 2024

6. In view of the aforesaid submissions, this Court directs the 1st and 2nd respondents to conduct enquiry as to whether the petitioner's father paid the entire loan/advance amount, by affording an opportunity of hearing to the petitioner to establish her case and if it reveals that the petitioner's father paid the entire amount, the 1st respondent is directed to execute and register Receipt for the Mortgage Deed Document No.2209 of 1980 on the file of Sub-Registrar office, Alandur in favour of the petitioner within a four weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, this Writ Petition stands disposed of. No costs.

29.08.2024

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

1. The District Collector cum Chairman,
House Building Advance Disbursing Committee,
Collectorate,
Rajaji Salai, Chennai – 600 001.

5/6



WEB COPY



W.P.No.24641 of 2024

M.DHANDAPANI, J.

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2. The Registrar of Co- Operative Societies,
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W.P.No.24641 of 2024

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