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W.P.(MD)NO.4602 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4602 of 2024

Samsu Nihar Begum

... Petitioner

Vs.

1. The Sub Registrar,
Madurai South Joint-I,
Madurai.

2. The Secretary,
A-2591, Madurai Coats and
Other Public Services Cooperative
Housing Board Society Ltd.,
New Jail Road, Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to register the Discharge Certificate (Receipt) for the cancellation of the mortgage deed presented by the petitioner without insisting the Original Mortgage Deed in Document No. 5899 of 2000 dated 14.07.2000 on the file of the 1st respondent within a time as stipulated by this Court and for other reliefs.

For Petitioner : Mr.A.Sheik Nasurdeen

For R-1 : Mr.M.Senthil Ayyanar,
Government Advocate.

* * *

**ORDER**

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Heard both sides.

2. There is no dispute that the petitioner had settled the loan amount. The second respondent had also returned the original mortgage document. It appears that the petitioner had misplaced the same. The registering authority took the stand that without the original document, discharge certificate will not be registered.

3. Taking into account the special facts and circumstances of this case, in view of the stand taken by the second respondent, the loan amount has been settled, I permit the petitioner to present the discharge certificate (receipt issued by the second respondent). The first respondent shall register the same without insisting on the original mortgage document. This writ petition stands allowed. No costs.

11.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

The Sub Registrar,
Madurai South Joint-I,
Madurai.



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G.R.SWAMINATHAN,J.

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