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W.P.(MD)NO.13223 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13223 of 2024

M/s.Bombay Burmah Trading Corporation Ltd.,
9, Wallace Street, Fort,
Mumbai – 400 001.

... Petitioner

Vs.

1. The District Collector,
Collectors Office,Tirunelveli District.
2. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam Raja Annamalai Puram,
Chennai, Tamil Nadu 600 028.
3. The Deputy Inspector General of Registration,
Integrated Registrar Office Complex,
St.Mark Road, Palayamkottai – 627 002,
Tirunelveli District.
4. The Sub Registrar,
Kallidaikuruchi SRO,
Tirunelveli – Shencottai Road,
Kallidaikuruchi,
Tirunelveli District.
5. The Deputy Director / Wildlife Warden,
Project Tiger,
Ambasamudram.
6. HDFC Bank Ltd.,
Rep. By its authorised signatory,
115, R.K.Salai, Mylapore,
Chennai – 600 004.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the refusal check slip in refusal number RFL/Kallidaikuruchi/47/2024 dated 14.06.2024 and to quash the same as illegal, incompetent and ultravires and consequently direct the fourth respondent to register the discharge receipt to be executed by the sixth respondent in favour of the petitioner company.

For Petitioner : Mr.Srinath Sridevan,
Senior counsel,
for Mr.R.Murali.

For R-1 to R-4 : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mrs.D.Farjana Ghoushia,
Special Government Pleader.

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for respondents 1 to 4.



2. The petitioner is a leaseholder in respect of the petition mentioned lands. On 15.06.2015, the petitioner entered into an agreement with the sixth respondent bank. The petitioner raised a sum of Rs.50 Crores. The petitioner has now cleared the liability. All that the petitioner wants is to register the discharge certificate. The registration was refused and the impugned refusal check slip is put to challenge in this writ petition.

3. As rightly pointed out by the learned Senior counsel appearing for the petitioner, for registering the discharge certificate, the registering authority cannot have any objection.

4. At this stage, the learned Additional Advocate General clarified that the very registration of the earlier mortgage in the year 2012 does not appear to be in order. Since the Government lands had been allowed to be mortgaged, penal action had been initiated against the erring officials. The authorities are under the apprehension that if the discharge certificate is allowed to be registered, it may have any bearing on the pending penal and disciplinary action.



5. I am of the view that there need not be any such apprehension. The impugned refusal check slip is quashed. The fourth respondent is directed to register the petition mentioned discharge certificate. The outcome of this writ petition and this direction for registering the discharge certificate will not validate the creation of the mortgage on 15.06.2015. That will have to be independently dealt with. The issue is left open. This writ petition stands allowed. No costs.

01.07.2024

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

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6

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G.R.SWAMINATHAN,J.

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