



W.P.(MD)No.23922 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23922 of 2024

S.Mathiazhagan

. . . Petitioner

Vs.

1.The Banking Ombudsman
Office of Banking Ombudsman,
Reserve Bank of India Building,
2nd Floor No.16, Rajaji Street,
Chennai 600 001.

2.The Regional Manager,
Zonal Commercial Office,
Indian Overseas Bank,
Tirunelveli District.

3.The Bank Manager,
Indian Overseas Bank,
Puliyangudi Branch,
Tenkasi District.

4.The Sub Registrar,
Puliyankudi Sub Registrar Office,
Puliyangui, Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent to execute receipt cancelling the mortgage over the immovable property in Survey No.821/1, 821/2 and 823 situated in



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Melapuliyankudi Village, Kadayanallur Taluk, Tenkasi District by considering the petitioner representation dated 06.08.2024 within a time as may be stipulated by this Court.

For Petitioner : Mr.K.Jeyamohan
For Respondents : Mr.N.Dilipkumar(for R1 to R3)
Mr.P.Subbaraj (for R4)
Special Government Pleader

ORDER

This writ petition has been filed seeking for a writ of mandamus directing the third respondent to execute receipt cancelling the mortgage over the immovable property in Survey No.821/1, 821/2 and 823 situated in Melapuliyankudi Village, Kadayanallur Taluk, Tenkasi District by considering the petitioner representation dated 06.08.2024.

2. Heard Mr.K.Jeyamohan, learned counsel appearing for the petitioner, Mr.N.Dilipkumar, learned counsel, who takes notice for the respondents 1 to 3 and Mr.P.Subbaraj, learned Special Government Pleader, who takes notice for the fourth respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. It is the case of the petitioner that his father has mortgaged his property in S.No.821/1, 821/2 and 823 situated in Melapuliyankudi Village, Tenkasi District, in the year 1981 for availing loan. The said mortgage loan was cleared by the petitioner's father during his life time and the original document has also been handed over to him. Thereafter, he died. It is the grievance of the petitioner that though his father cleared the said mortgage loan, the third respondent has not come forward to execute the discharge receipt cancelling the said mortgage. The petitioner gave a representation in this regard to the respondents 2 and 3, however, no effective steps have been taken so far. Hence, he seeks direction of this Court.

4. The learned counsel appearing for the respondent Bank, on instructions, would submit that if the petitioner approached the bank along with the details of loan, the bank will execute the discharge receipt cancelling the mortgage in respect of the subject property.

5. In view of the above, the fact that the original document was handed over to the petitioner's father itself indicates that the loan has already been cleared. In such view of the matter, it is for the bank to



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execute the necessary discharge receipt. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is **disposed of**. No costs.

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Index : Yes / No

NCC : Yes / No

Rmk

To

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N.SATHISH KUMAR, J.

Rmk

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