



WP(MD). No.24185 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

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Sivakumar

... Petitioner

Vs

1. The District Registrar (Administration),
Registration Department,
Pudukkottai District,
Pudukkottai..

2. The Sub Registrar,
Sub Registrar Office,
Kulathur,
Pudukkottai District..

3. Vaiyapuri,
S/o. Saravanan,
No.1-51c,
Kumaramangalam Village,
Chingathakkurichi,
Kulathur Taluk,
Pudukkottai District..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 1st Respondent to take appropriate action against the 2nd Respondent and

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restore the Mortgage Deed Vide Doc.No.1816/2016 dated 10.06.2016 on the file of the 2nd Respondent executed by the Petitioner based on the Petitioners representation dated 18.08.2023.

For Petitioner : Mr.A.Vadivel,
For Respondents : Mr.P.Subbaraj for R1 & R2
Special Government Pleader
Mr.K.S.Kathiravan for R3

ORDER

The writ petition has been filed for a mandamus directing the 1st Respondent to take appropriate action against the 2nd Respondent and restore the Mortgage Deed Vide Doc.No.1816/2016 dated 10.06.2016 on the file of the 2nd Respondent executed by the Petitioner based on the Petitioner's representation dated 18.08.2023.

2. It is the case of the petitioner that he has advanced a sum of Rs.2 lakhs to the third respondent, who in turn, has executed a mortgage deed on 10.06.2016, which has been registered as document No.1816/2016. After execution of the mortgage, the third respondent with the connivance of some other person by impersonation, has registered a receipt as if the mortgage has been discharged. According to the petitioner, the said receipt has been registered by committing



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impersonation. Hence, seeks a direction.

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3. I have considered the rival submissions and perused the materials available on record.

4. At the outset, this Court is of the view that the writ petition is not maintainable for the simple reason that if the petitioner is of the firm view that by committing impersonation the receipt has been registered, nothing prevented the petitioner from filing a suit for recovery of money, in which case, the disputed facts could be unearthed. Instead of doing so, seeking a direction to the authorities to go into the issues will not serve any purpose. Hence, it is for the petitioner to work out his remedy in the manner known to law and also by filing a suit for recovery of money. Considering the pendency of the writ petition, since the matter has been bonafidely pursued before this Court, the period spent in the writ petition may be excluded by the civil Court in the event of any suit is filed.



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5. The writ petition is disposed of with the above direction. No costs.

19.09.2024

RR

TO

1. The District Registrar (Administration),
Registration Department,
Pudukkottai District,
Pudukkottai..

2. The Sub Registrar,
Sub Registrar Office,
Kulathur,
Pudukkottai District..



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N.SATHISH KUMAR,J

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**ORDER
IN
WP(MD) No.24185 of 2023**

Date : 19/09/2024