



W.P.(MD) No.27778 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.27778 2023

K.Periyasamy

...Petitioner

-VS-

1.The District Collector,
Trichy District.

2.The District Registrar (Admn.),
Trichy.

3.The Sub-Registrar,
Srirangam,
Trichy District.

4.The Tahsildar,
Lalkudi Taluk,
Trichy District.

5.The Tahsildar,
Manachanallur Taluk,
Trichy District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent vide Na.Ka.No.13221/A4A/2023 dated 18.10.2023, quash the same as illegal



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and further more direct the respondents 1 to 5 to remove the encumbrance vide Doc. No. 41/1976 dated 10.06.1976 office of the Sub Registrar of Srirangam, Trichy District within the stipulated period fixed by this Court.

For Petitioner : Mr.R.Rajaraman
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner has filed this writ petition challenging the order passed by the second respondent vide Na.Ka.No.13221/A4A/2023 dated 18.10.2023 and consequently to direct the respondents 1 to 5 to remove the encumbrance vide Doc.No.41/1976 dated 10.06.1976 office of the Sub Registrar of Srirangam, Trichy District within the stipulated period fixed by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.It is the case of the petitioner that the petitioner is a small farmer and doing agricultural activities in the subject property. In the year 1975,



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the petitioner borrowed a sum of Rs.500/- from some private persons and Rs.500/- by executing the mortgage deed in favour of the Government of Tamil Nadu vide registered document in Doc.No.41/1976. Thereafter, the petitioner intended to sell the property. At that time, the petitioner found that there was an encumbrance with regard to the subject property. Hence, the petitioner made a representation before the respondents seeking to cancel the said mortgage document in Doc.No.41/76. The second respondent had rejected the representation of the petitioner stating that the Registering authorities have no power to decide the issue. Challenging the same, the petitioner has filed this writ petition.

4.The petitioner by way of this writ petition wants to verify whether the mortgage executed by the petitioner in favour of the Tamil Nadu Government is waived or whether it is time barred.

5.From a bare reading of the schedule relating to period of limitation prescribed in the Limitation Act, one can easily understand that the mortgage executed by the petitioner is barred by limitation. In order to ascertain the same, filing a frivolous writ petition seeking a different



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relief, cannot be permitted in the eye of law. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J.

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