

W.P.No.871 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 10.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.871 of 2025

P.Mahendran

.... Petitioner

Vs

The Sub Registrar,
Pachiamman Nagar Kupbandapalayam,
Edappadi Road, Magudanchavadi,
Sankaragiri Taluk, Salem-637 103.

.... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, to consider the representation of the petitioner, by way of Legal Notice dated 13.11.2024 and consequently remove/reverse the entry/encumbrance pertaining to Document No.319/1974 in Book 1 on the file of SRO-Namakkal (now under the jurisdiction of the respondent) in respect of the petitioners' property in Survey No.57/3B1, 2.17 Acres, Karattor, Ekapuram Village, Sankari Taluk, Salem District.

For Petitioner : Mr.G.Rajagpalan,
Senior Counsel
for M/s.G.R.Associates
For Respondent : Mr.C.Sathish
Government Advocate

ORDER



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This Writ Petition has been filed for the following relief:

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“to consider the representation of the petitioner, by way of Legal Notice dated 13.11.2024 and consequently remove/reverse the entry/encumbrance pertaining to Document No.319/1974 in Book 1 on the file of SRO-Namakkal (now under the jurisdiction of the respondent) in respect of the petitioners' property in Survey No.57/3B1, 2.17 Acres, Karattor, Ekapuram Village, Sankari Taluk, Salem District.”

2. The petitioner and his siblings are children of one K.M.Ponnusamy. The property, comprised in Survey No.57/3B1 measuring 2.17 acres, situated at Karattor, Ekapuram Village, Sankari Taluk, Salem District, was their ancestral property and was being enjoyed by their father. After their father's death in the year 2012, the petitioner and his four siblings inherited the subject property and became co-owners of the same. The petitioner applied for a certificate of encumbrance in respect of the subject property. On perusal of this certificate, he came to learn that there was an entry subsisting with reference to a mortgage deed that have been entered into between to one S.J.G.Sami and the petitioner's late father K.M.Ponnusamy dated 22.05.1974 with reference to a loan of



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Rs.7,000/- with interest.

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3. The petitioner would submit that the loan was repaid in the year 1970 itself, and to date, no claim has been made in respect of the same. The petitioner approached the authorities, who informed him that the legal heirs of S.J.G.Sami have to appear and consent to the cancellation of those entries. However, the said S.J.G.Sami passed away long ago, and the whereabouts of his legal heirs are unknown. The petitioner also sent a legal notice to the respondents on 13.11.2024, calling upon the respondent to remove the entry and no cause of action subsists regarding the mortgage deed. Therefore, since there was a reluctance on the part of respondent to remove the entry, the petitioner is before this Court by way of this writ petition.

4. Heard Mr.G.Rajagopalan, learned Standing Counsel appearing on behalf of the petitioner and Mr.C.Sathish, learned Government Advocate appearing on behalf of the respondent and perused the materials available on record.



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5. Admittedly, the encumbrance relates to a loan that was borrowed as early as in the year 1977. No suit or other proceedings have been initiated for the recovery of the said amount and the suit for recovery has become time-barred. Be that as it may, the petitioner has also stated that despite the best efforts, they have not able to trace the legal heirs of the said S.J.G.Sami. Therefore, the respondent shall make a reverse entry in the remarks column of the mortgage entry, indicating that no suit has been filed to enforce the mortgage deed, and as such, the mortgage is no longer subsisting.

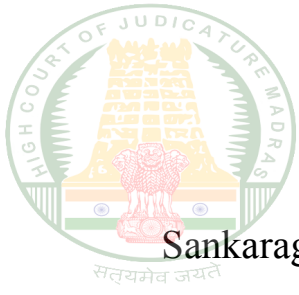
6. With the above observations, this writ petition stands allowed and disposed of. No costs.

10.01.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

The Sub Registrar,
Pachiamman Nagar Kuppandapalayam,
Edappadi Road, Magudanchavadi,



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Sankaragiri Taluk, Salem-637 103.

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