



WP No. 5935 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24-04-2025**

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No.5935 of 2025

Selvam

... Petitioner

Vs

1. Joint Registrar of Co-operative Societies,
Thiruvallur Region,
Combined Building of Joint Registrar,
Behind Collector Office,
Thiruvallur-602 001.
2. Deputy Registrar,
Thiruvallur Circle,
Combined Building Of Joint Registrar,
Behind Collector Office,
Thiruvallur.
3. The Secretary,
Kadambathur Co-operative Primary Agriculture
and Rural Development Bank, D.R.L(K)-1,
Kadambathur, Thiruvallur-602 001.
4. S.Mohan @ Gowri Shankar
5. E. Ashokan
6. E. Sarala
7. E.Mahesh



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8. The Sub Registrar,
Manavala Nagar,
Thiruvallur District.

**(R.8 has been suo-motu impleaded by this Court
by order dated 24.04.2025)**

Respondents

Writ Petition filed under Article 226 of Constitution of India praying this Court to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order dated 24.10.2024 passed by the 2nd respondent in Na.Ka.No.1512/2024/A3 and consequential order dated 24.01.2025 passed by the 2nd respondent in Na.Ka.No.1512/2024/A3 and quash the same and consequently direct the 3rd respondent to return the original doc.No.1166 of 1995 and execute a Receipt for discharging the mortgage loan availed by late Ekambaram, father of the petitioner.

For Petitioner : Mr.S.P.Meenakshi Sundharam

For Respondents : Mr.B.Tamil Nidhi
AGP

For R.1 and R.2

Mr.S.Ravikumar

Spl.Govt.Pleader

For R.3

Mr.M.Rajendran

AGP

For R.8(suo-motu impleaded
on 24.4.2025)

ORDER

The petitioner has filed the writ petition seeking for issuance of a a

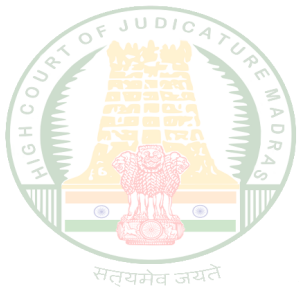


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writ of certiorarified mandamus to call for the records pertaining to the impugned order dated 24.10.2024 passed by the 2nd respondent in Na.Ka.No.1512/2024/A3 and consequential order dated 24.01.2025 passed by the 2nd respondent in Na.Ka.No.1512/2024/A3 and quash the same and consequently direct the 3rd respondent to return the original Doc.No.1166 of 1995 and execute a Receipt for discharging the mortgage loan availed by late Ekambaram, Father of the petitioner.

2. It is the case of the petitioner that the father of the petitioner viz., Egambaram mortgaged a property viz., land admeasuring 1193 sq.ft, comprised in S.No.338/A now 338A/3, Marailamalai Adigal Street, Venkathur Village, Manavala Nagar, Thiruvallur with the third respondent on 19.08.1995 and thereafter, he bequeathed the property to the petitioner through a Will dated 24.04.1998 and after his death on 30.04.1998, the petitioner has become the absolute owner of the property. Thereafter, he settled the property in favour of his wife and his wife died on 10.03.2017 and by way of intestate succession, the petitioner and his daughter have become the absolute owner of the property.



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3. It is the further case of the petitioner that the loan availed by the petitioner's father was waived by the Government and inspite of the same, the third respondent is refusing to execute the receipt in favour of the petitioner and a representation was given to the first respondent in this regard and the same was forwarded to the second respondent who has passed the impugned order stating that the petitioner's father's legal heirs have filed a suit for partition in O.S.No.168 of 2024 which is a second suit filed for partition and that too after 26 years. Aggrieved over the same, the present writ petition has been filed.

4. Learned counsel for the petitioner would submit that the mortgage deed was executed by the father of the petitioner viz., Egambaram along with legal heirs before Sub Registrar Office, Manavala Nagar, Thiruvallur for obtaining loan from the third respondent Bank. Learned counsel would further submit that since the entire amount was waived by the Government, the mortgage deed executed by the petitioner's father and the legal heirs has to be cancelled by the third respondent Bank.

5. Learned Additional Government Pleader appearing for the



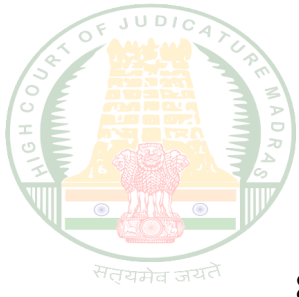
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respondents 1 and 2 and the learned Special Government Pleader for the third respondent submit that the Bank has not waived the loan amount and it is the Government vide G.O.Ms.No.59, Food, Cooperation, Consumer Protection (CC1) Department dated 28.06.2016 waived the loan borrowed by the petitioner's father and legal heirs.

6. The learned Special Government Pleader appearing for the third respondent Bank submits that since the entire dues have been waived by the Government, the Bank will issue No due certificate to the petitioner within a period of two weeks. He further submits that the mortgage deed was executed and the same was registered by the petitioner before the Sub Registrar Office, Manavala Nagar, Thiruvallur, who is not a party in the writ petition and since “No Due Certificate” has to be registered in the above Sub Registrar Office, Manavala Nagar, Thiruvallur, it is necessary to implead the Sub Registrar, Manavala Nagar as a respondent in the writ petition.

7. Heard both sides and perused the materials available on record.



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8. In view of the submission made by the learned Special Government Pleader appearing for the third respondent, the Sub Registrar, Manavala Nagar, Thiruvallur is suo-motu impleaded as eighth respondent in the writ petition.

9. The third respondent / Kadambathur Cooperative Primary Agriculture and Rural Development Bank is directed to issue “ No due Certificate” to the petitioner and after receipt of the same, the petitioner shall approach the Sub Registrar Office, Manavala Nagar, Thiruvallur for cancellation of the mortgage deed executed by the petitioner's father viz., Egambaram on 19.08.1995.

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

24-04-2025

sr
Index:yes/no
website:yes/no

Note: Issue Order copy on 30.04.2025



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To

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Thiruvallur Region,
Combined Building of Joint Registrar,
Behind Collector Office,
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2. Deputy Registrar,
Thiruvallur Circle,
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J.SATHYA NARAYANA PRASAD.J.,

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