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W.P.No.21027 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM :

THE HONOURABLE MRS.JUSTICE N.MALA

Writ Petition No.21027 of 2025

P.Balakrishnan

... Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Office of the Joint Registrar,
4th Floor, Collectorate Complex,
Palladam Road,
Tiruppur District.

2.The Deputy Registrar of Co-operative Societies,
Dharapuram Circle,
Marketing Society Campus,
Nethaji Road, Dharapuram,
Tiruppur District.

3.The Administrator/Secretary,
K.797, Kongalnagaram Primary Agricultural
Cooperative Credit Society,
Kongalnagaram, Gudimangalam Via,
Udumalpet Taluk, Tiruppur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of Mandamus directing the second respondent to
cancel the deed of mortgage registered as document Nos.1260 of 2002 by

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executing deed of cancellation due to the waiver of loan by government by disposing of the petitioner's representation dated 06.01.2025 in the light of the loan waiver certificate issued by the respondent authority.

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For Petitioner : Mr.M.Sudhan
For Respondents 1 & 2 : Mr.K.Tamilvendan,
Government Advocate
For Respondent 3 : Mr.A.Anandan
Government Advocate

ORDER

This writ petition is filed to direct the second respondent to cancel the deed of mortgage, registered as document Nos.1260 of 2002, by executing a deed of cancellation in view of the loan waiver by the government on the basis of the petitioner's representation dated 06.01.2025.

2. Mr.J.Tamilvendan, learned Government Advocate takes notice for the first and second respondents and Mr.A.Anandan, learned Government Advocate takes notice for the third respondent.



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3. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that the petitioner's father during his life time, borrowed loan Rs.1,30,000/- by mortgaging his lands comprised in S.No.432/1 to an extent of about 7 acres 36 cents. The said loan was waived by the Government vide Government Order in G.O.Ms.No.70 dated 13.05.2006. Since the said loan was waived by the Government, the petitioner approached the respondents authorities to release the mortgage and also to remove the entries regarding mortgage. However, till date, the respondents did not take any action to release the mortgage. Hence, the petitioner sent a representation on 06.01.2025, to the respondents. However, the said representation is kept pending, till date. Aggrieved over the same, the petitioner filed the above writ petition.

5. Though many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues

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a direction to the second respondent, to consider the petitioner's representation dated 06.01.2025, on merits and in accordance with law, within a time frame to be fixed by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the limited relief sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 06.01.2025, in the light of the Government Order in G.O.Ms.No.70 dated 13.05.2006, on merits and in accordance with law and pass appropriate orders, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

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msv

Index : Yes/No

Speaking Order : Yes/No

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Neutral Citation : Yes/No

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N.MALA, J.

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