



W.P.No.26021 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.26021 of 2025
and WMP No.29273 of 2025

T.Shanmugasundaram

: Petitioner

Vs.

The Sub Registrar,
Sethiathope SRO Office,
Sethiathope
Bhuvanagiri Taluk,
Cuddalore District 608 702

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondent herein to consider the claim of the petitioner to remove entries of mortgages bearing document No.2010/1975 dated 15.9.1975 and document No.1385/1986 dated 9.10.1986 in the encumbrances by giving formal discharge and also permit the petitioner to register the sale with the regard to the properties bearing survey No.55/6.0.62 measuring an extent of 0.15½ cents situated at Sethiathope Village, Bhuvanagiri Taluk, Cuddalore District and bearing survey No.55/6 measuring an extent of 0.05 cents out 0.062 cents situated at Sethiathope Village, Bhuvanagiri Taluk Cuddalore district as per his representation dated 9.6.2025.

For Petitioner : Mr.J.Selvarajan

For Respondents : Mr.U.Baranidharan,
Special Government Pleader



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ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of Mandamus to direct the respondent to consider the claim of the petitioner to remove entries of mortgages bearing document No.2010/1975 dated 15.9.1975 and document No.1385/1986 dated 9.10.1986 in the encumbrances by giving formal discharge and also permit the petitioner to register the sale with the regard to the properties comprised in survey No.55/6.0.62 measuring an extent of 0.15½ cents situated at Sethiathope Village, Bhuvanagiri Taluk, Cuddalore District and comprised in survey No.55/6 measuring an extent of 0.05 cents out 0.062 cents situated at Sethiathope Village, Bhuvanagiri Taluk Cuddalore district as per his representation dated 9.6.2025.

3. The case of the petitioner is that the petitioner submitted a representation dated 09.06.2025 before the respondent seeking to remove the entires of above mentioned document Numbers in the encumbrances and to register the sale, in



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respect of the subject property. However, the said representation has not been considered so far. Aggrieved by the same, the petitioner has filed the present writ petition.

4. At the outset it was submitted by the learned Special Government Pleader for respondent that the prayer is in two parts viz.

- a) to consider the claim of the petitioner to remove entries of mortgages of above mentioned document numbers in the encumbrances by giving formal discharge
- b) to permit the petitioner to register the sale with regard to subject property as per petitioner's representation dated 9.6.2025.

4.1. It was submitted by the learned Special Government pleader that insofar as the first part of the prayer is concerned, the respondent would consider the claim of the petitioner seeking to remove the entires of above mentioned Document Numbers in the encumbrances, and pass appropriate orders, in accordance in law, within a time frame to be fixed by this Court. Insofar as the second part of the prayer is concerned, he would submit that it is premature inasmuch as no document/deed has been presented. If any such document/deed is presented, the



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same would be registered, if it is otherwise in order. If, for any reason, the Sub Registrar is of the view that the registration ought to be refused, he would do so after assigning reasons, which was agreed to by the learned counsel for the petitioner.

5. Insofar as the first prayer is concerned, in view of the limited relief that is prayed, this Court is inclined to pass the following directions:

i) The respondent authority shall consider the representation dated 09.06.2025 of the petitioner with respect to removal of entire in above mentioned document Numbers in the encumbrances after issuing notice and affording a reasonable opportunity of hearing to the petitioner and all other interested parties including rival claimants if any.

ii) Though facts have been set out extensively in the affidavit, in view of the limited relief that is sought to be granted, I do not propose to examine the same, lest it may influence the authority. The authority shall independently consider the facts and law set out in the representation and pass appropriate order in accordance with law.

iii) The entire process shall be completed within a period of twelve weeks



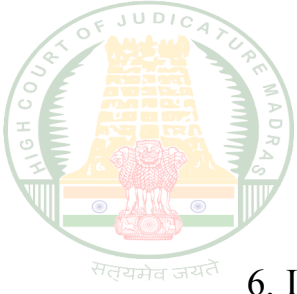
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from the date of uploading of web copy without waiting for receipt of certified copy.

5.1. Insofar as the second part of the prayer is concerned, it is open to the petitioner to present the document/deed before the respondent for registration and if any such deed/document is presented, respondent shall register the same, if it is otherwise in order. If for any reason, the registration of deed/document is sought to be refused, the respondent shall issue refusal slip/order assigning appropriate reasons, which was agreed to by both counsel for petitioner as well as respondents.

5.2. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. Rights and contentions of the petitioner and all other interested parties are left open.



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6. In the result, this Writ Petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

The Sub Registrar,
Sethiathope SRO Office,
Sethiathope
Bhuvanagiri Taluk,
Cuddalore District 608 702



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MOHAMMED SHAFFIQ, J.

(mrn)

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