



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

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CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 30550 of 2025

1. A.Saravanan
S/o. Ammasai, Gandhi Nagar,
5th Street, Rayapalayam,
Sithoodu Post, Erode -638102

Petitioner(s)

Vs

1. The District Collector
First Floor, Collectorate, Erode-
638102

2.The Sub Registrar
Bhavani, Erode-638301

3.The Manager
The Vistaar Finance Pvt. Ltd.,
No.66, 2nd Floor, Shri Kkm
Complex, Karur Bye Pass Road,
Moolapalayam, Erode, Tamil
Nadu -638002

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus directing the Respondent to consider the petitioner representation dated on 04.07.2025 with the 1st and 2nd and 3rd Respondent within a time frame stipulated by this Court.

For Petitioner(s): Mr.S.Vijay



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WP No. 30550 of 2025



For
Respondent(s):

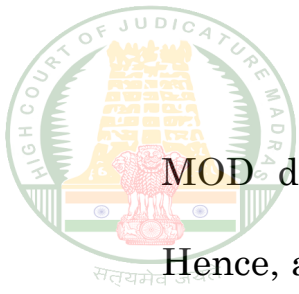
Mr.P.Ganesan
Additional Government
Pleader for Respondents 1
and 2

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 1 and 2 to consider the representation made by the petitioner on 04.07.2025 wherein the petitioner is seeking for cancellation of the Mortgage Deed (MOD) dated 27.06.2024 registered as document No.3950 of 2024.

2. Heard Mr.S.Vijay, learned counsel for the petitioner and Mr.P.Ganesan, learned Additional Government Pleader for respondents 1 and 2.

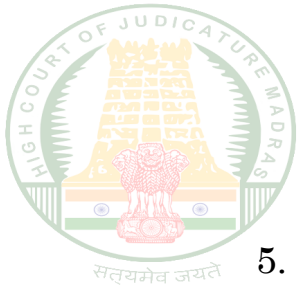
3. The case of the petitioner is that he is the owner of the subject property. He applied for a loan with the 3rd respondent. But, however, the loan amount was not received. On verification of the bank account, the petitioner found that a sum of Rs.10,56,395/- was transferred to his Savings Bank account. Without the knowledge of the petitioner, the 3rd respondent has created mortgage by means of a



MOD dated 27.06.2024 registered as document No.3950 of 2024.

Hence, a complaint was given before the concerned police and an FIR came to be registered in Crime No.137 of 2025. Thus, according to the petitioner, the 3rd respondent cheated the petitioner and created a fabricated document. Therefore, the petitioner submitted a representation to the respondents 1 and 2 to cancel the MOD created by the 3rd respondent.

4. In the considered view of this Court, the present writ petition is totally misconceived. Neither the 1st respondent nor the 2nd respondent have the power or jurisdiction to cancel the MOD that has been registered as document No.3950 of 2024. Therefore, this Court cannot blindly direct the respondents 1 and 2 to deal with the representation. If the petitioner is aggrieved by the MOD created by the 3rd respondent and according to the petitioner, it is a fraudulent document, the petitioner has to approach the competent Civil Court and seek for a necessary declaration. The petitioner cannot attempt to convert this Writ Court into a Civil Court and deal into the genuineness of the document.



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5. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court. Liberty is granted to the petitioner to work out his remedy in the manner known to law.

6. In the result, this writ petition is disposed of in the above terms. No costs.

19-08-2025

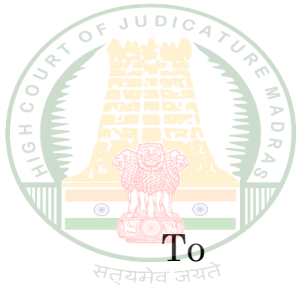
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



WP No. 30550 of 2025



To

WEB C.T.N

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638102

2.The Sub Registrar
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