



W.P.(MD)No.3638 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3638 of 2025

S.M.Mohan Babu

... Petitioner

Vs

1. The Managing Director,
Tamilnadu Water Supply and
Drainage Board, No.31, Kamarajar Salai,
Chepauk, Chennai – 600 005.

2. The Chief Engineer,
Amilnadu Water Supply and
Drainage Board,
No.1/1, Sambakulam,
Ganesh Nagar,
Opp. M.G.R. Bus Stand,
Madurai - 07.

3. The Superintending Engineer,
Tamilnadu Water Supply and
Drainage Board,
Sivagangai-Ramnad &
Project Circle,
Sivagangai.



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4. The Sub Registrar,
Sub Registrar Office,
Thallakulam,
Madurai District.

5. The Sub Registrar,
Sub Registrar Office,
Chokkikulam,
Madurai District.

6. The Sub Registrar,
Sub Registrar Office,
Pothumbu, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.2 & 3 to reconvey the property of the petitioner by cancelling the mortgage deed bearing Doc.No.114/1985 dated 11.01.1985 registered on the file of the 4th respondent (now lying with the 6th respondent) and hand over the original deeds to the petitioner within a reasonable time framed by this Court.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.R.Satheesh, (R1 to R3)
Standing Counsel

Mr.S.Shaji Bino, (R4 to R6)
Special Government Pleader



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ORDER

The petitioner has filed the instant writ petition seeking issuance of writ of mandamus to direct the respondents 2 and 3 to reconvey the property of the petitioner by execution of cancellation of mortgage deed bearing Doc.No.114/1985 dated 11.01.1985 registered on the file of then 4th respondent, within the jurisdiction of 6th respondent.

2. I have heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents 1 to 3 and the learned Special Government Pleader appearing for the respondents 4 to 6 and perused the materials placed before this Court.

3.It is the specific case of the petitioner that the loan availed of by the petitioner has been fully discharged to the satisfaction of the respondents 1 to 3 and no further amounts are due and payable by the petitioner. The same is evidenced from the communication in Ka.No. 011221/Ko.Veetukadan/20201, dated 01.12.2021 on the file of the 3rd respondent addressed to the 4th respondent stating that the respondents have no objection for cancellation of mortgage.



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4.The petitioner has fully discharged the said mortgage claim of the respondents. In view of the categorical assertion of the respondent authority that no further dues are payable by the petitioner and they themselves written to the 4th respondent/Sub Registrar, Tallakulam expressing no objection for cancellation of mortgage, there is absolutely no justification on the part of the respondent to not come forward to execute the cancellation of mortgage deed.

5.Therefore, I am inclined to direct the respondents 2 and 3 to execute a deed reconveying the property, by cancellation of mortgage deed bearing Doc.No.114/1985, dated 11.01.1985 by executing and registering such document with the 6th respondent, within a period of 12 weeks from the date of receipt of copy of this order. It is needless to state that the original title deeds shall be handed over to the petitioner on the date of execution of the cancellation deed.



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6. With the above directions, this writ petition stands

disposed of. No costs.

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Index : Yes / No

NCC : Yes / No

PNM

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P.B. BALAJI, J.

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