

W.P(MD)No.21348 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21348 of 2025

M/s.Cholamandalam Investment and Finance Company Limited,
3rd Floor, GV Tower, 2/3 Melakkal Road,
Opposite Fenner India Company,
Nataraja Nagar, Madurai - 625 016,
Represented by its
authorised officer Velmurugan

.. Petitioner

Vs.

1. The District Registrar,
Registration Department,
Karaikudi Registration District,
Karaikudi.
2. The Sub Registrar
Registration Department,
Singampuneri.
3. The Inspector of Police,
Singampuneri,
Sivagangai District.
4. Vijitha Raja

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus, directing the 2nd respondent to
register and create a charge over the encumbrance certificate in favour of the



W.P(MD)No.21348 of 2025

petitioner's financial institution in respect of the Plot No.90 measuring to an extent of 119 Sq. Meter situated at Survey Nos.13/2C, 13/2B sub divided at Survey Nos.13/12A1 and 13/14, Ward No.2, New Ward No.16, Kasiya Pillai Nagar, South Singampunari, Sivagangai District within the time stipulated by this Court.

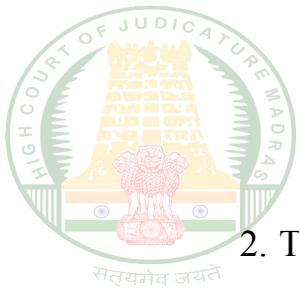
For Petitioner : Mr.V.Sukumar

For Respondents : Mr.S.Saji Bino
Special Government Pleader
for R1 & R2

: Mrs.M.Aasha
Government Advocate (Crl. side)
for R3

ORDER

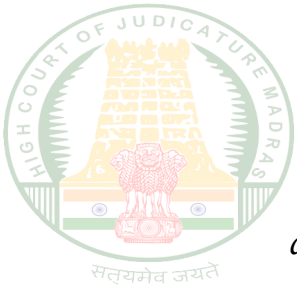
This writ petition has been filed for a Writ of Mandamus directing the 2nd respondent to register and create a charge over the encumbrance certificate in favour of the petitioner's financial institution in respect of the Plot No.90 measuring to an extent of 119 Sq. Meter situated at Survey Nos.13/2C, 13/2B sub divided at Survey Nos.13/12A1 and 13/14, Ward No.2, New Ward No.16, Kasiya Pillai Nagar, South Singampunari, Sivagangai District within the time stipulated by this Court.



W.P(MD)No.21348 of 2025

2. The contention of the petitioner is that the fourth respondent along with her husband obtained loan from the petitioner. They had executed all the documents for the loan transaction. The fourth respondent is bound to execute a Memorandum of Deposit of Title Deeds to the petitioner Company. However the same was not executed and registered before the registration department. In the meanwhile, the fourth respondent's husband also died. Therefore, it is necessary for the petitioner Finance Company to register the Memorandum of Deposit of Title Deeds in favour of their company. Therefore, the respondents cannot refuse to register the same. He further stated that the same issue was considered by this Court in W.P(MD)No.19158 of 2023 and direction was issued to the Sub Registrar to register the charge in favour of the petitioner therein. The relevant portion is extracted hereunder:

“2.The 4th respondent is the borrower who borrowed from the petitioner company. The 5th respondent is the husband of the 4th respondent and the 6th respondent is the father of the 5th respondent. The 7th respondent is in possession of the property and he claims to be in possession based on the unregistered sale deed. The petitioner company has disbursed the loan based on the agreement between the parties. The respondents 4 and 5 has purchased the property after obtaining loan and executed a sale deed, dated 06.09.2019. In the payment schedule, the petitioner company's cheque is being stated



WEB COPY

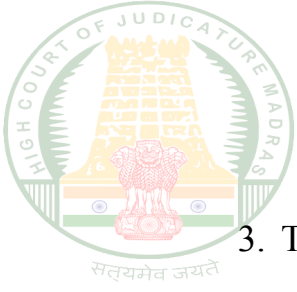


W.P(MD)No.21348 of 2025

as mode of payment. After obtaining loan, after paying through bank's cheque, the respondents 4 and 5 failed to execute the memorandum of deposit of title deeds.

3.The petitioner preferred a complaint to the Inspector of Police, Crime Branch, Pudukottai. However, the said complaint was not taken on file. Hence, the petitioner preferred a writ petition in W.P.(MD)No.25472 of 2023 and this Court, vide order, dated 12.12.2024, directed the petitioner to approach the appropriate Magistrate Court to file FIR and disposed the said writ petition. The petitioner could not process the same further.

4.In the meanwhile, the petitioner company had approached the Sub- Registrar to register the charge, but the official respondents refused to register. Hence, the present writ petition is filed to register the said charge. The respondents are refusing to register, since the respondents 4 and 5 failed to execute the memorandum of deposit of title deeds. Since the respondents 4 and 5 are adopting a dilated tactics, the reason stated by the respondents cannot be entertained. Therefore, the 2nd respondent is directed to register the charge in favour of the petitioner company based on the sale deed, dated 06.09.2019, within a period of two weeks from the date of receipt of a copy of this order.”



W.P(MD)No.21348 of 2025

3. The learned Special Government Pleader submitted that the petitioner Finance Company has not presented the relevant documents before the respondents.

4. The said submission is recorded. The petitioner ought to submit the relevant documents before the second respondent. The second respondent is directed to register the same within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No Costs.

05.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PJL

To

1. The District Registrar,
Registration Department,
Karaikudi Registration District,
Karaikudi.
2. The Sub Registrar
Registration Department,
Singampuneri.



W.P(MD)No.21348 of 2025

3. The Inspector of Police,
Singampuneri,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.21348 of 2025



WEB COPY



W.P(MD)No.21348 of 2025

S.SRIMATHY, J.

PJL

**ORDER MADE IN
W.P(MD)No.21348 of 2025**

DATED : 05.08.2025