



W.P(MD)No.25214 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25214 of 2025

P.Mookandi

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
17, Palace Road,
Madurai - 625 001.

2.The Sub Registrar,
Chokkanathar Street,
Thirunagar 4th Stop,
Madurai - 625 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to consider petitioner's representation dated 25.07.2025 with regard to the delete of the mortgage entry vide document No.968 of 1969 and vide document No.2016/1980 dated 02.05.1980 to petitioner's property having S.No.5/2 situated at Kombadi Village, Thirupparankundram Taluk, Madurai District within the time as fix by this Court.



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For Petitioner : Mr.K.Suresh

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

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ORDER

Heard both sides.

2.The writ petitioner's father had executed mortgage in respect of the petition mentioned land in favour of a third party in the year 1969 and 1980. The grievance of the petitioner is that even though he is ready to redeem the same, he is not able to locate the mortgagee. He has therefore filed this writ petition for deleting the said mortgage entries.

3.Strictly speaking, there is no need for filing such a writ petition. This is for more than one reason. The registering authority has no power to delete an entry that has already been made.

4.Be that as it may, the mortgages were created in the year 1969 and 1980. We are now in 2025. If the mortgage has not already been foreclosed, it can no longer be enforced. This Court has also held in

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many a case that mere subsistence of a mortgage or even incorporation of an entry relating to mortgage cannot disable the title holder from dealing with the property. The petitioner can very well ignore the earlier entries regarding mortgage. He can very well deal with the property. If any such document is presented by writ petitioner, the second respondent will not refuse registration by citing the aforesaid mortgage entries.

5.This writ petition is disposed of accordingly. No costs.

18.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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G.R.SWAMINATHAN, J.

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