



W.P(MD)No.24197 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24197 of 2025

and

W.M.P(MD)No.18993 of 2025

R.Shanmugam

... Petitioner

Vs.

1.The State represented by
The District Adi-Dravidar Welfare Officer,
District Adi-Dravidar Welfare Office,
District Collector Office Campus,
Pudukkottai Taluk & District.

2.The Sub Registrar,
Sub Registrar Office No-I,
Pudukkottai (Town & District).

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of first respondent Na.Ka.No.294/A2/2025 dated 28.01.2025 and quash the same consequently direct the second respondent to cancel the registration of Document No.1269/1976 dated 06.10.1976.



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For Petitioner : Mr.V.Selvakumar
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2.The writ petitioner's father availed loan from the Harijan Welfare Department. Evidencing the same, mortgage deed bearing Document No.1269 of 1976 was registered by the second respondent. The petitioner's father is no more. The petitioner now wants to deal with the property. He approached the first respondent for removing the encumbrance. But there is no clarity on this issue. In this background, the petitioner has filed this writ petition for deleting the petition mentioned encumbrance.

3.This prayer cannot be entertained. This is because the registration cannot be cancelled. At the same time, the mortgage created way back in the year 1976 can no longer be enforced. The reflection of the mortgage in the encumbrance register cannot in any way come in the



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way of the petitioner from dealing with the property. The petitioner can very well ignore the encumbrance in question. If the petitioner presents any document involving the petition mentioned property, the registering authority is bound to entertain the same and permit the registration subject to the fulfilment of the other usual formalities. It is made clear that subsistence of the petition mentioned mortgage will not operate as an impediment.

4. With the aforesaid observation, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1. The District Adi-Dravidar Welfare Officer,
District Adi-Dravidar Welfare Office,
District Collector Office Campus,
Pudukkottai Taluk & District.

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G.R.SWAMINATHAN, J.

MGA

2.The Sub Registrar,
Sub Registrar Office No-I,
Pudukkottai (Town & District).

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