



W.P(MD)No.25685 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25685 of 2025

1.S.Manikandan

2.Sathiya

... Petitioners

Vs.

1.The District Registrar,
Office of the Registration Department,
Ramanathapuram District.

2.The Sub Registrar,
Paramakudi,
Ramanathapuram District.

3.Kamalakannan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to cancel the mortgage deed dated 15.02.2006 in Doc.No. 330/2006 and consequently direct the second respondent to remove the entry in encumbrance certificate.



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For Petitioners : Mr.S.Ramakrishnan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for the respondents 1 and 2.

2.The father of the first petitioner mortgaged the petition mentioned property in favour of the third respondent for a sum of Rs. 15,000/- (Rupees Fifteen Thousand only). It was registered as Document No.330 of 2006 dated 15.02.2006. Thiru.Subramaniyan, the mortgagor, passed away on 28.08.2007. The case of the petitioner is that the said mortgage was discharged by him on 20.04.2009 itself. He specifically state that the third respondent received a sum of Rs.20,000/- (Rupees Twenty Thousand only) and also returned the original documents. However, the first petitioner failed to obtain a discharge receipt. The first petitioner wanted to settle the property in favour of his wife. Since the



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registering authority declined to register the document, the first respondent filed W.P(MD)No.9455 of 2025. This Court vide order dated 04.04.2025 allowed the writ petition by applying the ratio laid down in **2020 (6) CTC 697 (N.Ramayee Vs Sub Registrar)**. The first petitioner has since got the settlement deed registered in favour of the second respondent. Now, the petitioner wants this Court to direct the second respondent to cancel the mortgage deed and remove the entry in the encumbrance register.

3.It is well settled that such a relief cannot be granted. It is for the petitioners herein to get a declaration that the mortgage had been redeemed.

4.The learned counsel for the petitioners states that he did file a suit before the District Munsif Court, Ilayangudi but the plaint was returned on the ground that it was barred by limitation. If the petitioners are aggrieved by the return of the plaint, their remedy is elsewhere and no further relief can be granted in this writ petition.



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5.With the aforesaid liberty, this Writ Petition is dismissed. No

costs.

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

To

1.The District Registrar,
Office of the Registration Department,
Ramanathapuram District.

2.The Sub Registrar,
Paramakudi,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

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