



W.P.(MD) No.31206 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.31206 of 2023

K.Sethu

... Petitioner

Vs

1. The District Collector,
Collectorate Buildings,
Madurai District.
2. The Thasildhar,
Thirumangalam Taluk,
Thirumangalam,
Madurai District.
3. The District Registrar,
Madurai South,
Madurai District.
4. The Sub Registrar,
Thirumangalam,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to remove the encumbrances relating to survey Nos.47/1B, 47/2 and 48/13D2 created through document Nos.17/1975 and 18/1975 dated 29.09.1975 within the time frame that may be fixed by this Court and to



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allow the petitioner to enjoy his lands pertaining to survey Nos. 47/1B, 47/2 and 48/13D2 by way of creating any kind of encumbrances including deed of sale or of its kind.

For Petitioner : Mr.R.Sivakumar
For Respondents : Mr.A.Kannan,
Addl. Govt. Pleader

ORDER

This Writ Petition is filed seeking a direction to the 4th respondent to remove the encumbrances relating to survey Nos.47/1B, 47/2 and 48/13D2 created through document Nos. 17/1975 and 18/1975 dated 29.09.1975 within the time frame that may be fixed by this Court and to allow the petitioner to enjoy his lands pertaining to survey Nos. 47/1B, 47/2 and 48/13D2 by way of creating any kind of encumbrances including deed of sale or of its kind.

2. According to the petitioner, he is the owner of the lands comprised in S.Nos.47/1B. 47/2 and 48/13D2. When the petitioner applied for encumbrance certificate, the petitioner found that there were encumbrances in respect of the subject property under registered



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mortgages vide Document Nos.17/1975 and 18/1975, on 29.09.1975.

Hence, the petitioner has approached this Court with the above said prayer.

3. The learned counsel appearing for the petitioner would submit that the petitioner's aunt had availed agricultural loan by mortgaging the subject property on 29.09.1975 and subsequently, the said loan amount has been waived. But, however, she is not in a position to produce the document in this regard. She further submits that the statutory limitation period to recover the mortgage is 12 years and the said period has already been elapsed. Hence, the petitioner made a representation on 21.08.2023, requesting the 4th respondent to remove the encumbrances relating to the subject property. However, the said representation has not been considered. Hence, the petitioner has approached this Court.

4. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner's aunt had obtained agricultural loans, for which the subject property has been mortgaged. He further submits that very many occasions, the agricultural loans have



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been waived and the agricultural loan in respect of the subject property would also be covered under the waiver scheme and therefore, appropriate orders may be passed.

5. Considering the facts and circumstances of the case, this Court is of the view that the mortgage deed has been executed by the petitioner's aunt on 29.09.1975 and the statutory limitation period to recover the mortgage loans is 12 years and the said period has already been elapsed. Therefore, this Court declares that even assuming the debt is not paid as on today, it is not legal enforcement and therefore, the question of recovery does not arise. Hence, this Court directs the respondents to make suitable entries in the register to the extent that the mortgage deed executed in favour of the 2nd respondent on 29.09.1975 will not have any legal sanctity.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

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Index : Yes/No
NCC : Yes/No



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