



WP(MD), No.2315 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02/02/2026

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

WP(MD)No.2315 of 2026

Devasahayam

... Petitioner

Vs.

The Sub Registrar,
Sub Registration Office,
Mukkudal,
Tirunelveli District.

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Refusal Check Slip issued by the respondent in No.RFL/Mukkudal/1/2026 dated 12.01.2026 and quash the same as illegal and unconstitutional and consequently directing the respondent to cancel the Memorandum of Deposit of Title Deeds in Document No.3179/2013 dated 11.12.2013 and return the documents to the petitioner within a time stipulated by this Court.

For Petitioner : Mr.A.P.Muthupandian

For Respondent : Mr.M.Lingadurai

Special Government Pleader



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ORDER

The prayer in this writ petition is to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Refusal Check Slip issued by the respondent in No.RFL/Mukkudal/1/2026 dated 12.01.2026 and quash the same as illegal and unconstitutional and consequently directing the respondent to cancel the Memorandum of Deposit of Title Deeds in Document No.3179/2013 dated 11.12.2013 and return the documents to the petitioner within a time stipulated by this Court.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of the property in Survey No.48/2A, New Survey No.48/14, measuring to an extent of 3249 square feet at Mukkudal Village, Tirunelveli District, which was purchased by his father in 1967 and gifted to the petitioner in 2002. In the year 2013, the petitioner mortgaged the said property with Tamil Nadu Mercantile Bank and on 06.01.2026, he paid the entire loan amount



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and no due certificate was also issued by the Bank. When the petitioner presented a deed for cancellation of mortgage deed, the impugned refusal check slip has been issued stating that the subject property comes under the Medai Thalavai Trust which comes under the control of Hindu Religious and Charitable Endowment Department and hence required the petitioner to obtain no objection certificate from HR & CE department. Hence, this writ petition.

3. Learned Special Government Pleader would submit that since the subject property is the property of HR & CE, the impugned refusal check slip has rightly been issued. Thus, he would pray for dismissal of the writ petition.

4. Heard both sides and perused the materials available on record.

5. Though learned Special Government Pleader contended that the subject property is belonged to HR & CE



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department and unless and until no objection certificate is obtained from the department, the respondent will not be in a position to register the document presented by the petitioner, perusal of record shows that the petitioner has already mortgaged the property in 2013 and now to redeem the same, he has presented the cancellation deed which is refused by the impugned order. Even if the subject property is the property of HR & CE, the present document which seeks to discharge the mortgage created over the subject property in 2013, will not absolve HR & CE from claiming right over the subject property. Further, it is to be noted that the mortgagee namely, Tamil Nadu Mercantile Bank is supposed to present the document for cancellation of mortgage since they are the person to prove the genuineness of the no due certificate issued by them. Such being the case, I am unable to understand how the petitioner who is the borrower can present the cancellation deed. Even if the petitioner presents the cancellation deed, the respondent cannot refuse to register since it is only cancellation of mortgage and not a transfer of title affecting



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the rights of HR & CE and therefore, the impugned refusal check slip is liable to be set aside.

6. Therefore, the impugned Refusal Check Slip issued by the respondent in No.RFL/Mukkudal/1/2026 dated 12.01.2026, is set aside and the respondent is directed to register the cancellation deed, provided the Tamil Nadu Mercantile Bank comes forward to present the same with discharge receipt for settlement of loan amount by the petitioner. It is made clear that mere registration of cancellation deed by the respondent will not deprive the rights of HR & CE department over the subject property. The HR & CE can always make objection to prevent future transaction in respect of the subject property to ensure that the subject property is not encumbered without their knowledge.

7. With the above direction, the Writ Petition is disposed of. No costs.



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02.02.2026

Index : Yes / No
Neutral Citation : Yes / No
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To

The Sub Registrar,
Sub Registration Office,
Mukkudal,
Tirunelveli District.



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KRISHNAN RAMASAMY, J.

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ORDER MADE IN
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DATED : 02.02.2026