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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17506 of 2021

Chellathurai

... Petitioner

vs.

1.The District Registrar,
Office of the District Registrar,
Virudhunagar District.

2.The Sub Registrar,
Office of the Sub Registrar,
Rajapalayam,
Virudhunagar District.

3. N.P.R.Subburam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take necessary action for removing third respondent the wrong entry in encumbrance made in respect of the petitioner property comprised in S.No.845/5 situated at Pudupalayam bit, Irumsettikulam village, Srivilliputhur Taluk, Virudhunagar District of an extent of



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0.52.00 hectares on the basis of the petitioner's representation dated 16.09.2021 within the time stipulated by this Court.

For Petitioner : Mr.J.Vishnu
For R-1 & R-2 : Mr.R.Sureshkumar
Additional Government Pleader
For R-3 : No appearance

ORDER

This writ petition has been filed for Mandamus directing the respondents to take necessary action to remove the third respondent name which is wrongly entered in the encumbrance certificate.

2. The contention of the petitioner is that, originally the land belongs to the petitioner's father-in-law namely, Chinnaiah. The petitioner's father-in-law has transferred the land to the petitioner's wife namely, Prabha. The petitioner's wife inturn transferred the land in the name of petitioner.

3. The further contention of the petitioner is that the third respondent name was wrongly entered in the Encumbrance Certificate. On perusing the



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Encumbrance certificate, it is seen that the third respondent name was entered as early as in the year 1995 and the transactions stated as mortgage.

4. When the mortgage was subsidising, it is not known how the petitioner's father-in-law had purchased the said land. Further on perusing the entry in the Encumbrance certificate, there is one more entry, where it states in the year 2008 in document No. 4507 of 2008, the Transaction is stated as 'மாற்றம் - வெண்ணிலைக் கடன் பத்திரம் அடைமானம் '.

5. The above entry is not clear that, Whether it is made over or not, however, the petitioner is entitled to consider the claim of the petitioner.

6. Therefore, the respondents are directed to consider the petitioner's claim, after issuing notice to the petitioner as well as third respondent and pass speaking order, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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5. With these observations and directions, this Writ Petition is
Allowed. There shall be no order as to costs.

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

23.08.2023

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To

- 1.The District Registrar,
Office of the District Registrar,
Virudhunagar District.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Rajapalayam,
Virudhunagar District.



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S.SRIMATHY, J

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