

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.29924 of 2011

&

M.P.No.1 of 2014

Mr.A.Arulappa Premkumar

... Petitioner

vs.

1. The Inspector General of Registration
Santhome High Road
Mylapore
Chennai - 600 004

2. The Sub-Registrar
Padappai Sub-Registrar's Office
Padappai
Sriperumbudur Taluk
Kancheepuram District

3. G.Gurumurthy

4.K.Anbarasu

5. S.Sivanseyal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to delete the second entry found in the Encumbrance Certificate No.1784 dated 25.02.2010 and issue a fresh Encumbrance Certificate after deleting the same based on the petitioner's representation dated 23.06.2011.

For Petitioner : M/s.S.Venkatachalapathy

For Respondents : Mr.R.Vijayakumar for R1 and R2

ORDER

Heard Mr.S.Venkatachalapathy, learned counsel for the petitioner and Mr.R.Vijayakumar, learned counsel for the official respondents.

2. The petitioner seeks for a direction upon the second respondent to delete the second entry found in the Encumbrance Certificate No.1784 dated 25.02.2010 and issue fresh Encumbrance Certificate.

3. According to the petitioner, there was a civil dispute pending between the petitioner and the private respondents and the suit filed by the private respondents in O.S.No.133 of 2010 on the file of the District Munsif, Sriperumbudur has been dismissed. Learned counsel for the petitioner would submit that as on date, the judgment is yet to be made ready and he is unable to report as to the date of dismissal of the suit.

4. Since the writ petition is disposed of without notice to the private respondents, though they have been impleaded as respondents in the writ petition, there will be a direction to the petitioner to obtain the certified copy of the judgment and thereafter, approach the second respondent for necessary action. In the event of the petitioner approaching the second respondent, the second respondent shall consider the case of the petitioner on merits and in accordance with law after issuing notice to respondents 3 to 5 and pass a reasoned order within a period of six weeks from the date on which the petitioner approaches him with the judgment the Civil Court.

5. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Inspector General of Registration
Santhome High Road
Mylapore Chennai - 600 004

2. The Sub-Registrar
Padappai Sub-Registrar's Office
Padappai Sriperumbudur Taluk
Kancheepuram District

+ 2 ccs to Mr.S.Venkatachalapathy, Advocate Sr.8969

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SSI (CO)

Eu 05.03.15