

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19431 of 2016
and
W.M.P.No.16852 of 2016

Y.Mathews

... Petitioner

Vs.

1. The Sub Registrar
O/o.The Sub Registrar
Konnur, Chennai 600049.

2. Dhagalram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to withdraw the endorsement made in the encumbrance certificate dated 27.08.2015 vide Document No.20/2015 in SF.No.156, based on the petitioner's representation dated 23.05.2016 within the time frame to be stipulated by this Court.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.V.S.Ramesh,
Government Advocate for R1

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is the absolute owner of the property having title and he is in possession and enjoyment of the immovable property comprised of land and building bearing Door No.147/136, Red Hills Road, Villivakkam North, Chennai-49 and the 2nd respondent has filed a suit in OS.No.4967/2015 on the file of the Court of 11th Assistant City Civil Court, Chennai, to restrain the 1st defendant/petitioner herein from interfering with the peaceful possession and enjoyment of the property in Door No.137/156, North Red Hills Road, Villivakkam, Chennai-49 and pending disposal of the said suit, filed IA.No.12757/2015 in OS.No.4967/2015 for an ad-interim injunction and only notice was ordered. However,

curiously, the 1st respondent has entertained the representation from the 2nd respondent and in the Encumbrance Certificate, to the shock and surprise of the petitioner, it has been stated "City Civil Court Chennai" and the Document detail was shown as "IA No.12757/2015 in OS.No.4967/2015". Learned counsel for the petitioner would submit that only notice has been ordered in the said Interlocutory Application and there is no Court order, directing the 1st respondent to register the pendency of the Court case in the Encumbrance Certificate. In this regard, the petitioner has submitted a representation dated 23.05.2016 to the 1st respondent for removal of the said entry and though it was received and acknowledged, no orders have been passed and hence, he is constrained to approach this Court by filing this writ petition.

3. Heard Mr.V.S.Ramesh, learned Government Advocate who accepts notice on behalf of the 1st respondent.

4. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 23.05.2016 on merits and in accordance with law, after giving an opportunity of personal hearing to the petitioner as well as to the 2nd respondent and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and to the 2nd respondent.

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

Sd/-

सत्यमेव जयते
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

The Sub Registrar
O/o.The Sub Registrar
Konnur, Chennai 600049.

+2cc's to Mr.T.S.Rajamohan, Advocate, S.R.No.31020

W.P.No.19431 of 2016

PA (CO)

CA(20/06/2016)