

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.04.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Appeal Nos.451 & 452 of 2016
& C.M.P.Nos.6391 & 6392 of 2016

A.Benjamin Francklin ... Appellant/ Petitioner
[in both W.As.]

Versus

1.Inspector General
Registration Department,
Santhome, Chennai - 600 028.

2.The Sub-Registrar,
Konnur Sub-Registrar,
Ambattur, Chennai - 600 053.

... Respondents/ Respondents
[in both W.As.]

PRAYER : Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 02.02.2016 in W.P.Nos.3772 and 3773 of 2016.

W.P.No.3772 of 2016:-

Prayer : Writ petition filed under Article 226 of the constitution of India praying for the issuance of a writ of mandamus Directing the 2nd respondent Konnur Sub-Registrar Chennai to delete to entry pertaining to the Settlement deed dated 11.01.2010 vide Document No.116 of 2010 on the file of the Sub-Registrar Konnur.

W.P.No.3773 of 2016:-

Prayer : Writ petition filed under Article 226 of the constitution of India praying for the issuance of a writ of mandamus Directing the 2nd respondent Konnur Sub-Registrar Chennai to delete to entry pertaining to the Settlement deed dated 20.11.2008 vide Document No.5030 of 2008 on the file of the Sub-Registrar Konnur.

For Appellant : Mr.D.Ashok Kumar
[in both W.As.]

For Respondents: M/s.A.Sri Jayanthi
Special Government Pleader
[in both W.As.]

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

These Writ Appeals have been filed against the orders passed by the learned Single Judge in W.P.Nos.3772 and 3773 of 2016 dated 02.02.2016 dismissing the Writ Petitions.

2.Heard Mr.D.Ashok Kumar, learned counsel appearing for the Appellant and M/s.A.Sri Jayanthi, learned Special Government Pleader appearing for the respondents and perused the materials placed on record.

3.Writ Petitions have been filed by the appellant on the ground that various properties belonged to the appellant's father were settled by the appellant in favour of his wife, by means of a registered Settlement Deed which was subsequently cancelled by the appellant through a Cancellation Deed. The grievance of the appellant was that the entries relating to the above Settlement Deed and Cancellation Deed are reflecting the Encumbrance Certificate issued by the Registration Office, hence, the appellant made a request to the second respondent to delete the entries in the said Book Volume, but the second respondent refused to delete the entries hence, the Writ Petitions were filed.

4.The learned single Judge was not inclined to entertain the Writ Petitions on the ground that the Court cannot mechanically give a direction to the respondents to consider the request of the appellant. Aggrieved over the same, the appellant filed the present Writ Appeals.

5.We have heard the learned counsel appearing for the appellant and learned Special Government Pleader appearing for the respondents.

6.Once a document is admitted for registration under the Registration Act, the entries will be made in an appropriate book according to the order of its admission. When parties are applying for Encumbrance Certificate, those entries will reflect in the Encumbrance Certificate and hence, request of the petitioner to delete the entries is not permissible and therefore we find no infirmity or irregularity in the order passed by the learned single Judge.

7.In the above circumstances, these Writ Appeals fail and dismissed. Consequently, the Civil Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

sri

To

1.Inspector of Police,
Registration Department,
Santhome, Chennai - 600 028.

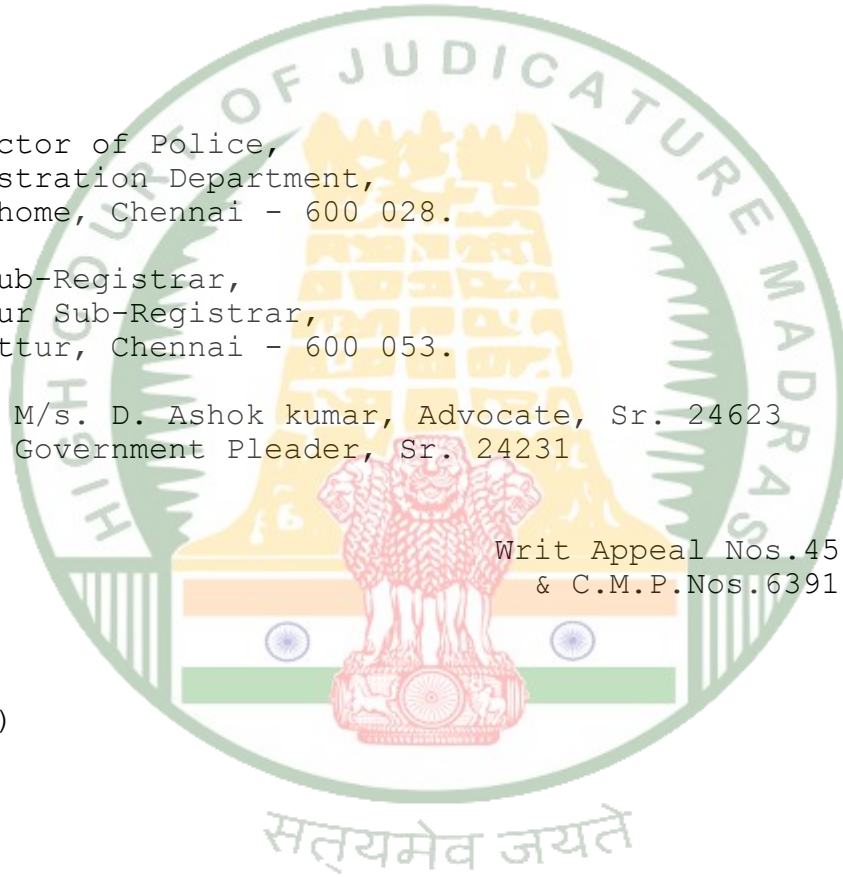
2.The Sub-Registrar,
Konnur Sub-Registrar,
Ambattur, Chennai - 600 053.

1 cc to M/s. D. Ashok kumar, Advocate, Sr. 24623

1 cc to Government Pleader, Sr. 24231

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