

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3773 of 2016

1 A.Benjamin Francklin ... Petitioner

Vs.

1 The Inspector General
Registration Departments
Santhome, Chennai- 28.

2 The Sub-Registrar
Konnur Sub-Registrar
Ambattur, Chennai-53.

... Respondents

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 the 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 Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.M.Dig Vijay Pandian
Additional Government Pleader

सत्यमेव जयते
O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the 2nd respondent to delete the entry pertaining to the Settlement deed dated 20.11.2008 vide Document No.5030 of 2008 on the file of the Sub-Registrar, Konnur.

2. The case of the petitioner is that various properties belonged to the petitioner's father were settled by the petitioner in favour of his wife Episi Pressanna through Document No.5030 of 2008 dated 20.11.2008 in Book Volume I of Konnur Sub Registrar Office, Chennai. Subsequently, the Settlement Deed was cancelled by the petitioner through Cancellation Deed Document No.5030 of 2008 dated 11.1.2010 in

Book Volume I of the said Registration Office. The entries relating to Settlement Deed and Cancellation Deed are reflecting in Encumbrance Certificate issued by the said Registration Office. Hence, the petitioner made a request to the 2nd respondent to delete the entries in the said Book Volume, but he refused to do so, as it requires a Court order. Hence, the petitioner has come forward with the present Writ Petition with the aforesaid prayer.

3. The learned Additional Government Pleader, who took notice for the respondents, submits that the Encumbrance Certificate reflects the Deeds executed by the petitioner and therefore, the question of deleting the same from the Encumbrance Certificate does not arise and such a request cannot be considered.

4. I find force in the submission made by the learned Additional Government Pleader. This Court cannot mechanically give a direction to the respondents to consider the request of the petitioner. Hence, I am not inclined to entertain the Writ Petition. Accordingly the Writ Petition fails and the same is dismissed. However, liberty is given to the petitioner to work out his remedy in the manner known to law. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ajr

To

1 The Inspector General
Registration Departments
Santhome, Chennai- 28.

2 The Sub-Registrar
Konnur Sub-Registrar
Ambattur, Chennai-53.

+1 cc to Mr.D.Ashok Kumar, Advocate vide sr.7118
+1 cc to Government Pleader sr.6875

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