

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.41646 of 2016

R.Narayanan

...Petitioner

Versus

1. The Inspector General of Registration,
Santhome,
Chennai-600 004.
2. The District Registrar of Registration
(Administration)
District Registrar Office,
Saidapet, Chennai-600015.
3. The Sub Registrar of
Registration,
Sub-Registrar's office,
Neelangarai,
Chennai-600 041.
4. M.Gajapathi
5. B.Ramu
6. Vasantha
7. Shanthi
8. Suvedha
9. Kavitha
- 10.Vidhya

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 07.11.2016 and delete the invalid entry found in the encumbrance certificate as sought for by the petitioner herein.

For Petitioner : Mr.T.Susindran

For Respondents : Mr.P.Senthilvel (R1 to R3)
Government Advocate

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed seeking for a direction to the respondents 1 to 3 to consider the representation of the petitioner dated 07.11.2016 and delete the invalid entry found in the encumbrance certificate as sought for by the petitioner herein.

3. The case of the petitioner is that on 30.11.1989, the petitioner has purchased landed properties of an extent of 22.25 cents in Kottivakkam, Chennai-41, for valuable consideration. The respondents 4, 5 and one Pichai who have no right over the said property filed a suit in O.S.No.263 of 2004 on the file of the Court of District Munsif, Alandur for a declaration that the sale deed in favour of the petitioner dated 30.11.1989 is null and void. It is further stated that the respondents 1, 2 and Pichai have obtained an exparte decree on 31.12.2004 with the help of forged and fabricated documents. Based on the exparte decree, an endorsement in the encumbrance certificate was effected by the third respondent on 07.02.2005. The petitioner came to know about the exparte decree only during the year 2006. Immediately I.A.No.1692 of 2006, was filed in O.S.No.263/2004, seeking to set aside the exparte decree. On 11.01.2007, the exparte decree was set aside. On 12.03.2012, the suit was dismissed on merits after hearing both the parties.

4. Thereafter, the petitioner has approached the third respondent for deleting the entry found in the encumbrance certificate in connection with the exparte decree. Since, there was no response, the petitioner on 30.10.2016, sent an advocate's notice to the respondents 1 to 3 for deleting the invalid entry found in the encumbrance certificate. Even for that notice, there was no response. Hence, on 07.11.2016, the petitioner has sent a letter to the respondents 1 to 3 for deleting the entry in the encumbrance certificate. As there is no response from the respondents 1 to 3, the above writ petition is filed seeking for the aforesaid relief.

5. Heard the learned counsel for the petitioner as well as learned Government Advocate who takes notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made herein, without going into the merits of the case, this Court directs the respondents to consider and pass orders on the representation of the petitioner, dated 07.11.2016, after giving notice to the respondents 4 to 10, as well as other persons concerned, as expeditiously as possible.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Inspector General of Registration,
Santhome, Chennai-600 004.
2. The District Registrar of Registration
(Administration) District Registrar Office,
Saidapet, Chennai-600015.
3. The Sub Registrar of
Registration,
Sub-Registrar's office, Neelangarai,
Chennai-600 041.

+1cc to Mr.T.Susindran, Advocate, S.R.No. 69518

+1cc to the Government Pleader, S.R.No. 70117

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PA (CO)

PSI(28/12/2016)