



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.11129 of 2016

N.Shankaramagalingam

... Petitioner

Vs.

1. The Deputy Inspector General of Registration,
Tirunelveli Range,
Palayamkottai,
Tirunelveli District.

2. The District Registrar,
Thenkasi Registration District,
Thenkasi.

3. The Sub Registrar,
Sankarankovil,
Tirunelveli District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 1st Respondent to consider the representation dated 22.12.2015 and pass appropriate orders in terms of the Circular No. 67 of IGR for cancellation of the documents registered on the file of the 3rd Respondent comprised in encumbrance certificate bearing Certificate No. 6680 of 2013 within the time as fixed by this Hon'ble Court.

For Petitioner :N.Shankaramagalingam(party-in-person)

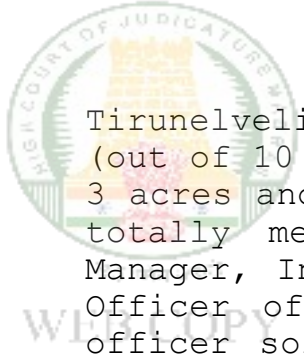
For Respondents :Mr.V.Muruganandham

Addl. Government Pleader

O R D E R

Heard the Petitioner, (party-in-person) and the Learned Additional Government Pleader appearing for the respondents.

2. According to the petitioner, he purchased the property of housing lay out at 17/2, Sankarankovil Kazhumadai Main Road, at plot Nos.108 to 184, Cauveri Nagar, near DNC Hostel, Sankarankovil,



Tirunelveli District bearing resurvey No.332/A1-3 acres and 9 cents (out of 10 acres and 47 cents, south side upper portion) and 332/A2-3 acres and 53 cents (out of 10 acres and 56 cents, upper portion), totally measuring 6 acres 52 cents from the Assistant General Manager, Indian Overseas Bank, Regional Office, Madurai (authorized Officer of Indian Overseas Bank). In fact, the said authorized officer sold the aforesaid property to the petitioner through the sale certificate dated 24.05.2010 as per the provisions enjoined under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAEASI Act, 2002).

3. The stand of the petitioner is that the erstwhile land owner had mortgaged the aforesaid property in favour of Indian Overseas Bank Sankarankovil as on 29.03.2004. For non-payment of the loan amount, the Bank authorities had taken over the possession of the property and sold the same to the petitioner, through sale certificate dated 24.05.2010, for a total sum of Rs.80,00,000/- (Rupees eighty lakhs only). Later, he had applied for an encumbrance certificate before the second respondent in respect of the properties in question (for the period from 01.01.2000 to 30.06.2010, through certificate No.6680 of 2013). Through the said certificate, he came to know that the previous land owner, who had mortgaged the property in favour of Indian Overseas Bank illegally made some conveyance to the fictitious persons within the aforesaid property and they are liable to be removed from the encumbrance certificate as per circular No.67, dated 03.11.2011. In fact, the petitioner approached the respondents on 22.12.2015 in person and submitted a representation requesting them to remove the illegal entries in the encumbrance certificate. However, till date, his representation dated 22.12.2015 has not seen the light of the day. Hence, he has filed the present writ petition before this Court.

4. On behalf of the respondents, it is fairly submitted before this Court that the second respondent would dispose of the representation of the petitioner, dated 22.12.2015, if a time limit is determined by this Court in this regard.

5. Considering the fact that the petitioner's representation dated 22.12.2015, in the subject matter in issue, is pending before the second respondent/District Registrar, Tenkasi, Registration District, Tenkasi, at this stage, this Court, without delving deep into the merits of the matter and also not expressing any opinion one way or other in the subject matter in issue, simpliciter, directs the second respondent to look into the representation of the petitioner dated 22.12.2015 within a period of one week from the date of receipt of copy of this order. Thereafter, the second respondent is to consider the said representation of the petitioner dated 22.12.2015, in a fair, free, unbiased and dispassionate manner and to dispose of the same within a period of three weeks thereafter. The petitioner is required to render his co-operation and assistance to the second respondent so as to enable him to dispose of his representation dated 22.12.2015



within the time determined by this Court.

6. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Inspector General of Registration,
Tirunelveli Range,
Palayamkottai,
Tirunelveli District.

2. The District Registrar,
Thenkasi Registration District,
Thenkasi.

3. The Sub Registrar,
Sankarankovil,
Tirunelveli District.

+ 1 CC TO MR.K.SUDALAIYANDI, ADVOCATE IN SR No. 35230/16

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 35425/16

VS

TE/SKS-RR/ : 21/07/2016 : 3P/6C

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