



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.13952 of 2016

S.Shanthi

... Petitioner

Vs.

1.The District Registrar
Virudhunagar Registration District
Virudhunagar.

2.The Sub Registrar,
Rajapalayam,
Virudhunagar District.

3.The Inspector of Police
North Police Station,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to remove the illegal endorsement placed in S.L.No.3 of the Encumbrance Certificate No.7827, dated 19.10.2015 issued by him, by considering the petitioner's representation dated 09.07.2016.

For Petitioner	: Mr.K.Sudalaiyandi
For Respondents	: Mr.T.S.Mohamed Mohideen, Additional Government Pleader

ORDER

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

2. Heard the learned Counsel on either side.

3. It is the case of the petitioner that the property in question originally belonged to her husband, who in turn, executed a General Power of Attorney, dated 04.04.2013, in favour of the petitioner. While so, the petitioner applied for Encumbrance Certificate before the second respondent, wherein, there was an illegal endorsement found in Sl.No.3. Therefore, the petitioner has submitted a representation dated 09.07.2016 before the second respondent to remove the illegal endorsement in the Encumbrance Certificate. Since the said representation has not been considered so far, the petitioner is before this Court with the above prayer.



4. The learned Counsel for the respondents has submitted that the averments made in the affidavit are totally false and the present writ petition has been filed in a vexatious manner. In support of his submission, the learned Counsel for the respondents has drawn the attention of this Court to the counter affidavit filed by the second respondent, wherein, in Paragraph No.5, it has been stated as follows:

"I respectfully submit that, the petitioner has given false statement in his affidavit which is purely punishable one. The petitioner was not given proper breathing time in this case that we cannot lift up the note without getting the instruction from the third respondent but the petitioner stipulated in his affidavit that the first and second respondents did not take any action after the receipt of the requisition letter from her end which is false one."

5. Under such circumstances, this Court, without going into the merits of the matter, directs the second respondent to consider the representation of the petitioner, dated 09.07.2016 and pass appropriate orders thereon, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as other interested parties, if any, within a period of four weeks from the date of receipt of a copy of this order, by duly taking into account the statement made in the counter affidavit in paragraph No.5 referred to above. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar.

To

1. The District Registrar, Virudhunagar Registration District
Virudhunagar.

2. The Sub Registrar, Rajapalayam, Virudhunagar District.

3. The Inspector of Police, North Police Station, Rajapalayam,
Virudhunagar District.

+1CC to Mr.K.Sudaliyandi, Advocate, SR.No. 86709

+1CC to the Special Government Pleader SR.No.87292

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13.11.2017

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