

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.6308 of 2014

S.H.Syed Asiff
S/o S.K.Syed Habeeed,
17/8, 5th Cross Street (West)
Vidhya Nagar,
Ammamet,
Salem - 636 003.
rep. By its Power Agent of
Mr.Syed Habib Syed Ariff ... Petitioner

Vs.

1. The Sub-Registrar,
Omalur-636 455
Salem District.
2. The Assistant Commissioner,
O/o Commercial Tax Office,
Omalur - 636 455,
Salem District.
(R2-impleaded as per order
dt. 11.4.2014 by BRJ in MP.1/14
in W.P.6308/14) ... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to cancel the encumbrance entry in the official registry with regard to Survey No.83/5 in Kottagoundampatti Village, Omalur.

For Petitioner: Mr.C.Samivel

For Respondents: Mr.R.Govindasamy,
Special Government Pleader.

O R D E R

The petitioner seeks for cancellation of the encumbrance made in the Register maintained by the first respondent in respect of subject matter property. According to the

petitioner, such entry was made in the encumbrance register by mistake.

2. Admittedly, the petitioner has made a representation on 20.09.2013 seeking for deletion of entry which is not considered by the respondents so far. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner as it is for the first respondent to consider and decide. Therefore, this writ petition is disposed of only by directing the first respondent to consider the petitioner's representation dated 20.09.2013 and pass orders on merits and in accordance with law after hearing the petitioner as well as the 2nd respondent. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

vsi

To

1. The Sub-Registrar,
Omalur-636 455
Salem District.
2. The Assistant Commissioner,
O/o Commercial tax Office,
Omalur - 636 455,
Salem District.

+ 1 cc to Mr.C.Samivel Advocate, SR.12216
+ 1 cc to The Govt.Pleader, SR.12496

W.P.No.6308 of 2014

nr 27/02/2018

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