

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.26832 of 2018

R.Vasudevan

.. Petitioner

Vs

1.The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
No.100, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
South Chennai,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.

3.The Sub-Registrar,
Velacherry,
Chennai - 600 042.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, to call for the records of the impugned order No.19/2018, dated 07.08.2018 passed by the 3rd respondent and quash the same and further direct the respondents to enter the entry of the Sale Deed dated 22.01.1996 (Document No.116 of 1996) in the Encumbrance Register maintained in the office of the 3rd respondent and within a time stipulated in accordance with law.

For Petitioner : Mr.S.Sarath Kumar

For Respondents : Mr.T.M.Pappiah
Special Government Pleader
(Registration)

O R D E R

Mr.T.M.Pappiah, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this writ petition is to quash the impugned order dated 07.08.2018 passed by the third respondent and for consequential relief.

3. The case of the petitioner is that he purchased the property in Old Survey No.668/2 part and New Survey No.668/21, Town Survey No.78, Block No.178, Velachery Village, Chennai, by a sale deed dated 22.01.1996 and obtained patta in respect of the same in his favour. Thereafter, he executed a settlement deed in favour of his younger son and approached the third respondent for registration of the same. However, the third respondent refused to do so, on the ground that the survey number of the said property was wrongly mentioned as S.No.688/2 instead of S.No.668/2 in the Encumbrance Register. Hence, the petitioner submitted a representation to the first respondent to rectify the mistakes crept-in in the said register. On receipt of the same, the first respondent directed the second respondent to conduct an enquiry and submit his report, whereas, without conducting any enquiry, the third respondent passed the impugned order dated 07.08.2018. Aggrieved over the same, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondents fairly submitted that in the Encumbrance Register, the Survey Number of the property in question has been inadvertently entered as S.No.688/2 instead of 668/2 and hence, the third respondent may be directed to rectify the mistakes crept-in in the said register.

5. In view of the above, the impugned order is quashed and the matter is remitted back to the third respondent for passing a fresh order in accordance with law, after providing an opportunity of personal hearing to the petitioner as well as any other interested parties, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
No.100, Santhome High Road,
Chennai - 600 028.

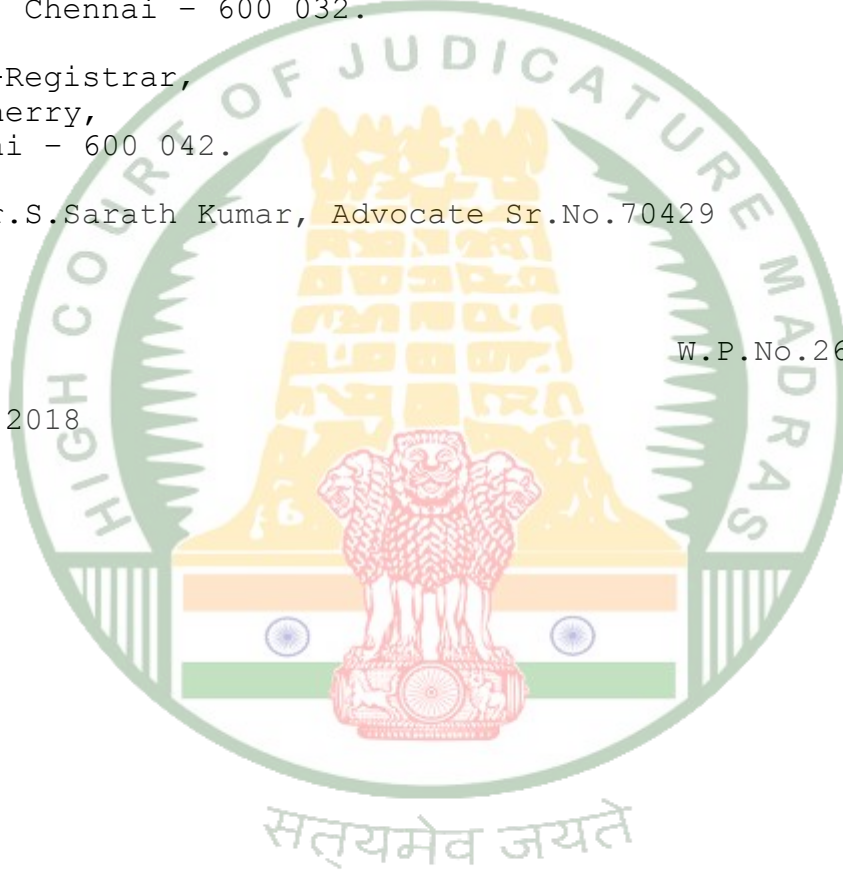
2.The District Registrar,
South Chennai,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.

3.The Sub-Registrar,
Velacherry,
Chennai - 600 042.

+1cc to Mr.S.Sarath Kumar, Advocate Sr.No.70429

W.P.No.26832 of 2018

SR(CO)
CSL/12.11.2018



WEB COPY