



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.14379 of 2018

D.Sugumar

... Petitioner

vs.

1.The President

Registration Office

100, Santhome High Road

Pattinapakkam

Chennai-10

2.The Deputy Registrar

(Administration)

Registrar's Office

Madurai North

TNAU Nagar

Rajakambeeram Village

Y.Othakadai

Madurai-625 107

3.The Sub Registrar

Sholavandhan

Madurai District

4.Dhanasekaran

5.Jawahar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 3 to consider the representation, dated 31.05.2018, to order to remove all the innocuous and superfluous entries to encumbrances was over properties.

For Petitioner : Mr.V.Maragathavel

For Respondents : Mr.Murugan

Government Advocate for R1 to R3

O R D E R

Mr.Murugan, learned Government Advocate, takes notice for the respondents 1 to 3. Notice to the respondents 4 and 5 is dispensed with in view of nature of the order to be passed by this Court.

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2. By consent of both parties, this writ petition is taken up



for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 31.05.2018 seeking to remove the innocuous and superfluous entries made in the encumbrance certificate issued in respect of the subject matter property, has not been considered by the official respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the official respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the third respondent to consider the petitioner's representation dated 31.05.2018 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the respondents 4 and 5 and any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

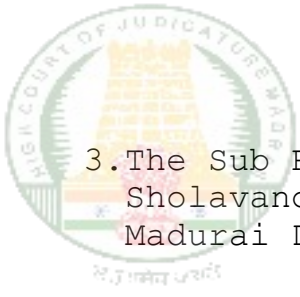
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Sub Assistant Registrar

To:

1. The President,
Registration Office,
100, Santhome High Road,
Pattinapakkam,
Chennai-10.

2. The Deputy Registrar,
(Administration),
Registrar's Office,
Madurai North,
TNAU Nagar,
Rajakambeeram Village,
1. Othakkadal,
Madurai-625 107.



3.The Sub Registrar,
Sholavandhan,
Madurai District.

+1CC to Special Government Pleader in SR.No.71582.

+1CC to Mr.V.Maragathavel Advocate in SR.No.71420.

KRK

DS/PN/SAR-2 :13.07.2018: 3P/6C

W.P.(MD) No.14379 of 2018
05.07.2018