

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.1376 of 2016

ORDER:

This Writ Petition is filed, under Article 226 of Constitution of India, by the petitioners to declare the impugned E.C. No.756/2015 and consequential statement No.12982588 dt.20.07.2015 issued by the 2nd respondent as fabricated, fraudulent, contrary to the Rules, arbitrary and illegal.

The contention of the petitioner is that on the strength of E.C issued by the 2nd respondent—Sub-Registrar, Alur, Kurnool District, the respondents 4 to 6 have filed a suit in O.S. No.338 of 2015 on the file of Senior Civil Judge, Adhoni, for the relief of declaration of title and other consequential reliefs. In the said Encumbrance Certificate, subsequent entries were not entered into and therefore, filed the present writ petition to declare the impugned encumbrance certificate as illegal and contrary to the Rules.

Respondent No.2 has filed counter affidavit. In para No.2 of the counter affidavit, the respondent No.2 has admitted that basing on the particulars given by the petitioners, the details of the property is searched and in the subsidiary index of records the document No.740/1962 was not entered. Due to these reasons, the document No.740/ 1962 is missed in the encumbrance certificate given by this office. The petitioners have also stated that the entries of document Nos.1208/2010 and 1209/ 2010 are missing in the E.C. particulars. Respondent No.2 admitted in the counter affidavit about missing of certain entries in the encumbrance certificate.

Therefore, the encumbrance certificate issued by the 2nd respondent is contrary to the Rules and missing of those entries pursuant to the documents referred above, is an illegality committed by 2nd respondent.

Accordingly, the Writ Petition is disposed of, declaring the encumbrance certificate issued by the 2nd respondent as illegal and contrary to the Rules. However, respondent No.2 is directed to make necessary entries in the subsidiary index and issue appropriate encumbrance certificate. No order as to costs.

Consequently, miscellaneous petitions, pending if any, in this writ petition shall stand dismissed.

Date: 17.04.2018
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M.SATYANARAYANA MURTHY, J.



THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



Dt.17.04.2018

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