

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2343 of 2019

M.Viswanathan

... Petitioner

Vs.

1. The District Registrar,
(Administration),
North Madras,
No.1, Moorthikal Lane,
1st Line Beach,
Chennai - 600 001.

2. The Sub Registrar,
Thiruvotriyur,
Chennai - 600 019.

.... Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to pass appropriate orders on the letter No.379/18 dated 30.11.2018, addressed by the second respondent to the first respondent, relating to the ratification of the corrections made in respect to the entries in the books of the second respondent relating to the document No.532 of 2015 on the file of the second respondent herein.

For Petitioner : Ms.Elizabeth Ravi

For Respondents: Mr.T.M.Pappiah
Special Government Pleader

ORDER

By consent of both parties, this Writ petition is taken up for final disposal at the admission stage itself.

2. The Writ Petition has been filed by the petitioner seeking a direction to the first respondent to pass appropriate orders on the letter No.379/18 dated 30.11.2018, addressed by the second respondent to the first respondent, relating to the ratification of the corrections made in respect to the entries

in the books of the second respondent relating to the document No.532 of 2015 on the file of the second respondent herein.

3. The petitioner claims that he and his wife purchased a house and the plot under a registered sale deed No.1823 of 1990 on the file of the second respondent herein. After the death of his wife, her other legal heirs, executed a release deed in favour of the petitioner and the same was registered as Document No.7282 of 2006 on the file of the second respondent. While so, the petitioner raised funds for the expansion of his business from the Lakshmi Vilas Bank Limited, Royapuram Branch, Chennai by executing a mortgage deed dated 25.08.2009 registered as Document No.5859 of 2009 on the file of the second respondent. Subsequently, he raised another loan by executing a supplementary mortgage deed registered as Document No.35 of 2013 and he discharged the entire loan amounts due to the said Lakshmi Vilas Bank. The Lakshmi Vilas Bank issued a discharge receipt dated 27.01.2015. The said discharge receipt had been registered as Document No.532 of 2015 on the file of the second respondent himself. When the petitioner applied for encumbrance certificate it is found that the discharge receipt dated 27.01.2015 registered as Document No.532 of 2015 was not entered in the encumbrance certificate. On verification it is found that the said document No.532 of 2015 had been included as a mortgage deed under Appendix-II. Thereafter, the second respondent made necessary changes in the books and forwarded the same to the first respondent vide his letter No.379 of 2018 dated 30.11.2018 to make the ratification of the corrections. The petitioner also submitted representations on 12.10.2018 and 22.11.2018 to the respondents seeking to make correct entry and to issue correct encumbrance certificate. But so far, no order has been passed by the first respondent. Hence, the mandamus is sought for.

4. Heard Ms.Elizabeth Ravi, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the letter No.379 of 2018 dated 30.11.2018 forwarded by the second respondent and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The District Registrar,
(Administration),
North Madras,
No.1, Moorthikal Lane,
1st Line Beach,
Chennai - 600 001.

2. The Sub Registrar,
Thiruvotriyur,
Chennai - 600 019.

+1cc to Mr.Elizabeth Ravi, Advocate Sr.7933
+1cc to the Government Pleader Sr.8768

W.P.No.2343 of 2019

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srg 27/02/2019

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