

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.16859 of 2019

Mrs.Padmavathi

.. Petitioner

v.

1.The Recovery Officer,
The Debts Recovery Tribunal -II,
4th Floor, Dewa Towers,
No.770 -A, Anna Salai
Chennai - 600 002.

2.The Chief Manager,
The Union Bank of India,
Asset Recovery Branch
No.139, Broadway,
Chennai 600 108.

3.The State
Rep. by The Sub - Registrar,
Chennai Central Joint - II,
No.268, Bharathi Salai,
Express Estate,
Royapettah,
Chennai 600 014.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Mandamus, directing the 1st respondent to take appropriate action to remove the Encumbrance pertaining to D.R.C. No.89/2004 on the file of Sub-Registrar, Chennai Central Joint -II, in respect of the property situated at Door No.20, Old Door No.6, 5th Street, Rutland Gate, Nungambakkam, Chennai, extending to an extent of 3 grounds and 500 Sq.ft comprised in O.S.No.330 Part, R.S.No.58/93 with superstructure and further direct the 3rd respondent to delete the entry pertaining to the Encumbrance in D.R.C. No.89/2004 from the Encumbrance

For Petitioners : Mr.V.S.Senthil Kumar
For Respondent : R1 - Tribunal
Mr.M.Muthu Periasamy - for R2
No Appearance - for R3

ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action to remove the Encumbrance pertaining to D.R.C. No.89/2004 on the file of Sub-Registrar, Chennai Central Joint -II, in respect of the property situated at Door No.20, Old Door No.6, 5th Street, Rutland Gate, Nungambakkam, Chennai, measuring an extent of 3 grounds and 500 Sq.ft, comprised in O.S.No.330 Part, R.S.No.58/93 with superstructure and further direct the 3rd respondent to delete the entry pertaining to the Encumbrance in D.R.C. No.89/2004 from the Encumbrance

2. The learned counsel appearing for the petitioner submitted that for the very same relief sought for in the Writ Petition, the petitioner has filed an application before the 1st respondent and therefore, it would suffice to direct the 1st respondent to dispose of the application filed by the petitioner for the removal of the Encumbrance pertaining to D.R.C. No.89/2004.

3. In view of the limited prayer sought for by the learned counsel appearing for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the 1st respondent to consider the petitioner's application for removal of the Encumbrance pertaining to D.R.C. No.89/2004 and pass orders, on merits and in accordance with law, as expeditiously as possible.

With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Rj

To

1.The Recovery Officer,
The Debts Recovery Tribunal -II,
4th Floor, Dewa Towers,
No.770 -A, Anna Salai
Chennai - 600 002.

2.The Chief Manager,
The Union Bank of India,
Asset Recovery Branch
No.139, Broadway,
Chennai 600 108.

3.The Sub - Registrar,
Chennai Central Joint - II,
No.268, Bharathi Salai,
Express Estate,
Royapettah, Chennai 600 014.

+1cc to Mr.V.S.Senthil Kumar Advocate, S.R.No.66233
+1cc to Mr.M.Muthu Periasamy Advocate, S.R.No.66071

SKV(CO)
CB(04/09/2019)

W.P. No.16859 of 2019

सत्यमेव जयते

WEB COPY