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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :27.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.33119 of 2019

A.Selvam

.. Petitioner

/versus/

1.State of Tamil Nadu
Rep.by its Secretary to Government,
Registration Department,
Fort St. George, Chennai 600 009.

2.The Inspector General of Registration,
Office of the Registration Department,
Santhome High Road, Mylapore,
Chennai 600 004.

3.The District Registrar,
Chennai South
No.9, Jeans Road,
Saidapet, Chennai 600 015.

4.The Sub Registrar,
Avadi, Chennai 600 054.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 18.09.2019 and direct the fourth respondent to delete the sale agreement dated 15.07.2002 registered as Document No.2516/02 in the fourth respondent office, which is shown as encumbrance in encumbrance certificate.

For Petitioner	:Mr.K.R.Puguazhendhi
For Respondents	:Mr.T.M.Pappiah, Special Government Pleader for R1 to R4

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.K.R.Pughazhendhi, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader, who takes notice for respondents 1 to 4.



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3.The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 18.09.2019 and direct the fourth respondent to delete the sale agreement dated 15.07.2002 registered as Document No.2516/02 in the fourth respondent office, which is shown as encumbrance in encumbrance certificate.

4.The petitioner herein is the owner of the property measuring to an extent of 1811 sq.ft at Plot No.36, Poorani Nagar, Morai Village, Thiruvallur Taluk. The petitioner has entered into a sale agreement with one Mahendran Rao and the sale agreement was registered on 15.07.2002 as Document No.2516 of 2002 at the Sub Registrar Office at Avadi. The purchaser was not ready to perform his part of contract within the period of limitation, therefore, the sale agreement has become void and barred by limitation. However, the purchaser has filed a suit before the District Munsif Court, Ambattur in O.S.No.314 of 2011. The said suit was dismissed as abated due to the death of the plaintiff. When the petition has applied for encumbrance certificate, the registration of the sale agreement dated 15.07.2002 is reflected. Hence, he has made a representation to the Sub Registrar to delete the entry pertaining to the sale agreement. His representation has not been considered and hence, the present writ petition is filed seeking Writ of Mandamus.

5. It is settled law that under the Registration Act, once the document is registered, the entry cannot be deleted. The only option is to cancel by way of fresh document by the parties concerned. In alternate, in this case, if the petitioner feels that the entry of sale agreement reflects encumbrance, he has to register the decree which has decided the infirmity in the sale agreement. The request of the petitioner to delete the entry is unknown to law. Hence, this writ petition is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

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+1cc to Mr.K.R.Pughazhendhi , Advocate SR.No. 98672
+1 cc to Government Pleader Sr.No. 99970

W.P.No.33119 of 2019

A.SK(06/01/2020)