

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34198 of 2018

Velmurugan

...Petitioner

Vs.

1. The Sub Registrar,
Office of the Sub Registrar,
Srimushnam,
Cuddalore District.

2. Panneerselvam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to dispose of petitioner's representation dated 02.08.2018 thereby directing the 1st respondent to remove-cancel an Encumbrance in respect of petitioner's property in R.S.No.126/3A2,Ac 2-00 in Shrimushnam Village, Cuddalore District.

For Petitioner : Mr.A.Murugan

For Respondents : Mr.P.P.Purushothaman
Government Advocate for R1
No Appearance for R2

सत्यमेव जयते
O R D E R

The petitioner seeks for a mandamus directing the first respondent to dispose of petitioner's representation dated 02.08.2018, wherein and whereby, he sought for removal of Encumbrance made in respect of the petitioner's property in R.S.No.126/3A2,Ac 2-00 in Shrimushnam Village, Cuddalore District.

2. Heard both sides.

3. The case of the petitioner is as follows:

The petitioner borrowed some money from the second respondent. For realization of the said money, the second

respondent filed a suit in O.S.No.59 of 2014 on the file of the Subordinate Court, Chidambaram. A decree was passed for repayment of amount of Rs.4,00,000/-. The said decree was executed in E.P.No.36/2016. The petitioner has paid the entire amount. Consequently, E.P. was terminated on 10.03.2017. Even after the termination of the Execution Proceedings, the Encumbrance is not removed by the first respondent, despite an application is made by the petitioner on 02.08.2018. Therefore, the present writ petition is filed.

4. Considering the above stated facts and circumstances, the first respondent is directed to consider the application of the petitioner and after perusing the documents filed in support of such claim and on being satisfied with the same, the first respondent shall pass appropriate orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

sni
To

1. The Sub Registrar,
Office of the Sub Registrar,
Srimushnam,
Cuddalore District.

+1 CC to Mr.A.Murugan, Advocate sr 17737.
+1 CC to Govt. Pleader sr 18954

सत्यमेव जयते

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LN(CO)
SP(20/03/2019)

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