



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.19241 of 2019

Thowlath Nooriya

... Petitioner

vs.

1.The District Registrar,
Ramanathapuram District,
Ramanathapuram.

2.The Sub-Registrar,
Sub-Registrar Office of Vellipattinam,
No.1/46, Chellaperumal Street,
Vellipattinam Post,
Ramanathapuram - 623 525.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to include Survey Nos.427/1, 62/3, 139, 65/1, 180, 64/6 and 419/10 of properties belongs to the petitioner, which derived by means of the partition deed dated 01.07.1982 registered as Document No.1328/1982, on the file of SRO, Vellipattinam, Ramanathapuram District in the encumbrance entry of second respondent's file, based upon the petition dated 13.08.2019 made by the petitioner.

For Petitioner : Mr.N.Manimaran

For Respondents : Mr.V.Anand, Government Advocate

ORDER

Mr.M.Manimaran, learned counsel on record for writ petitioner is before this Court.

2.Mr.V.Anand, learned Government Advocate, accepts notice on behalf of all two respondents.

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's petition dated 13.08.2019 wherein what according to the petitioner is to include the encumbrances in the Encumbrance Certificate.



5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned Counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned petition of the writ petitioner, dated 13.08.2019 with request, details of which have been alluded to supra.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned petition dated 13.08.2019 made by the writ petitioner (page No.21 of the typed set of papers forming part of the case file).

7. It is made clear that in the course of the petition being considered by the second respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the second respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's petition. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

8. The aforesaid petition dated 13.08.2019 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

9. The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

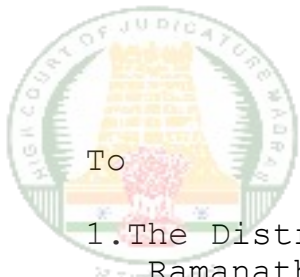
10. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Registrar,
Ramanathapuram District,
Ramanathapuram.

2.The Sub-Registrar,
Sub-Registrar Office of Vellipattinam,
No.1/46, Chellaperumal Street,
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Ramanathapuram - 623 525.

+1 CC to Mr.M. MANIMARAN, Advocate SR-85109.
+1 CC to SPL GP SR-85343.

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CS(10.09.2019) 3P 5C