



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20351 of 2019

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S.Karunakaran

... Petitioner

/Vs./

1.The Deputy Inspector General of Registration,
2nd Floor, Govt., Multistoried Building,
Khajamalai,
Trichy-620 020.

2.The Assistant Inspector General of Registration,
2nd Floor, Govt., Multistoried Building,
Khajamalai,
Trichy-620 020.

3.The District Registrar,
O/o, the District Registrar,
Court Complex,
Cantonment,
Trichy - 600 001.

4.The Sub-Registrar (Joint I & II),
Cantonment,
Trichy - 620 001.

... Respondents

PRAYER: Writ Petition - filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned Noting / Order in respect of Document No.4256/2013, on the file of the Sub Registrar , Trichy Joint 1 and 2 relating to the petitioner's property and quash the same and consequently, directing the respondents to lift the Charge unilaterally created by the impugned Noting / Order in respect of Document No.4256 / 2013, on the file of the Sub Registrar, Trichy Joint 1 and 2 relating to the petitioner's property based on the petitioner's representations dated 16/08/2017 and 03/03/2018.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

Mr.R.Karunanidhi, learned counsel on behalf of writ petitioner and Mr.M.Murugan, learned Government Advocate on behalf of all the four respondents are before this Court.



2. This writ petition turns on a very narrow compass. The controversy in instant writ petition has been captured, encapsulated and set out by this Court in earlier proceedings dated 20.09.2019 which reads as follows:

'Mr.R.Karunanidhi, learned counsel on record on behalf of writ petitioner is before this Court.

2. Learned counsel for writ petitioner, advertng to Page No.122 of typed set of papers submits that the encumbrance shown as Serial No.13 therein is incorrect and has been erroneously made. It is learned counsel's say that writ petitioner's property is Plot No.112 and writ petitioner has not dealt with his property (Plot No.112), after purchasing it in 2009 vide, sale deed dated 13.11.2009 registered as Document No.5882/2009 on the file of fourth respondent (Jurisdictional Sub-Registrar).

3. Mr.M.Murugan, learned Government Advocate who accepts notice on behalf of all the four (4) respondents seeks time to get instructions and respond.

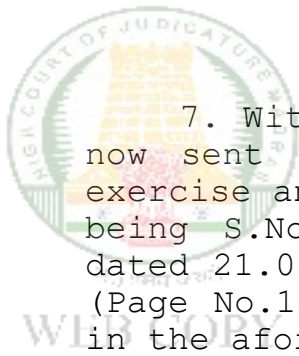
*4. List on **03.10.2019** in the motion list.'*

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

4. From the submissions made before this Court, it comes to light that the only issue that now this writ petition turns on is whether any document creating encumbrance qua plot No.112 was presented by the writ petitioner or his legally duly authorised agent. If that had not happened, the encumbrance shown as S.No.13 of impugned Noting/Order of the fourth respondent dated 21.04.2017 in the Encumbrance Certificate for writ petitioner (Page No.122 of typed set of papers forming part of the case file) will have to necessarily be removed. If it is otherwise, it is open to the fourth respondent to send a suitable reply to the writ petitioner.

5. In embarking upon this exercise, it is open to the fourth respondent to call for further details and supporting documents from the writ petitioner or any other person/s concerned.

6. The aforesaid exercise shall be completed by the fourth respondent as expeditiously as possible and in any event within eight (8) weeks from the date of receipt of a copy of this order.



7. Without expressing any opinion on the merits, this matter is now sent to the fourth respondent to embark upon the aforesaid exercise and take a decision about the contentious encumbrance entry being S.No.13 of impugned Noting/Order of the fourth respondent dated 21.04.2017 in the Encumbrance Certificate for writ petitioner (Page No.122 of typed set of papers forming part of the case file) in the aforesaid manner within the aforesaid time frame.

8. Removal of encumbrance or an order otherwise as the case may be shall be communicated to the writ petitioner within seven (7) working days from the date of removal or conclusion of exercise as the case may be.

9. To be noted, this order is passed with consent of both sides.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Deputy Inspector General of Registration,
2nd Floor, Govt., Multistoried Building,
Khajamalai,
Trichy-620 020.
- 2.The Assistant Inspector General of Registration,
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- 3.The District Registrar,
O/o, the District Registrar,
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Trichy - 600 001.
- 4.The Sub-Registrar (Joint I & II),
Cantonment,
Trichy - 620 001.



+1 CC to Spl.GP (SR-97293[F] dated 11/11/2019)

+1 CC to Mr.R.KARUNANIDHI, Advocate (SR-97156[F] dated 08/11/2019)

Order made in
W.P(MD)No.20351 of 2019
Dated:08.11.2019

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MK (28.11.2019) 4P 7C