



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20711 of 2019

V.Sivasankari

... Petitioner

vs.

The Joint Sub-Registrar,
Chittampatti,
Madurai North Registration Taluk,
Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 23.07.2019 and to remove the wrong and old entry in the Encumbrance Certificate dated 22.03.2019.

For Petitioner : Mr.T.R.Subramanian
For Respondent : Mr.V.Anand
Government Advocate.

ORDER

Mr.T.R.Subramanian, learned counsel on record for writ petitioner is before this Court.

2. Mr.V.Anand, learned Government Advocate accepts notice on behalf of sole respondent.

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 representation dated 23.07.2019 wherein writ petitioner has sought removal of an entry in the Encumbrance Certificate on the ground that the charge does not subsist now. To be noted, no document, *prima facie* to show that the charge does not subsist now, has been placed before this Court. But, learned counsel for writ petitioner undertakes to produce such documents as addenda to the representation before sole respondent within a period of one week.

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 respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 23.07.2019 on its own merits and in accordance with law.



6. Learned State counsel submitted that the respondent is the authority who shall consider the aforementioned representation dated 23.07.2019 made by the writ petitioner (page Nos.12 and 13, whereas clean copy at pages 14 and 15 of the typed set of papers forming part of the case file) within a time frame stipulated by this Court.

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7. Writ Petitioner shall produce requisite / necessary documents as addenda to the representation, dated 23.07.2019 before the sole respondent within a period of one week from the date of receipt of a copy of this order. The aforesaid representation shall be disposed of by the respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight weeks thereafter.

8. It is made clear that in the course of the representation being considered by the respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the 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 representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

9. The proceeding / order of disposal shall be communicated by the office of the 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 (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Joint Sub-Registrar, Chittampatti,
Madurai North Registration Taluk, Madurai District.

+1 CC to M/s.T.R.SUBRAMANIAN, Advocate SR-89509.

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