

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.3.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.5724 OF 2020

Mrs.A.Rajeswari

...Petitioner

Vs

The Sub-Registrar Joint II,
Arakkonam, Vellore District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to remove and delete the encumbrance in respect of settlement deed No.7785 of 2010 dated 16.9.2010.

For Petitioner : Mr.K.Kannan
For Respondent : Mr.T.M.Pappiah, SGP

ORDER

I have heard Mr.K.Kannan, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader accepting notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition seeking a direction to the respondent to remove and delete the encumbrance in respect of settlement deed No.7785 of 2010 dated 16.9.2010.

3. The petitioner seeks the said relief based upon a judgment and decree in O.S.No.274 of 2014 on the file of the Subordinate Court, Arakkonam filed by one Mr.Arumiselvam, in which, the petitioner was the sole defendant. The said suit was filed seeking a declaration over the property in question.

4. It is submitted that the said suit was dismissed by judgment and decree dated 22.12.2017 and it had become final. Therefore, the petitioner would further submit that the encumbrance should be deleted.

5. Since the petitioner relies upon a judgment and decree of the civil court for deleting an encumbrance, this writ petition is disposed of directing the petitioner to submit a representation to the respondent along with the certified copy of the judgment and decree in the said suit and show as to how the settlement deed dated 16.9.2010 registered as doc.No.7785 of 2020 still continues to exist. On receipt of such a representation along with relevant documents, the respondent shall consider the same on merits, hear the petitioner either in person or through authorized representative and pass orders in accordance with law within a period of eight weeks from the date, on which, the representation is submitted in terms of the above direction. It is made clear that the respondent shall not reject the petitioner's claim on the ground of limitation. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS

To

The Sub-Registrar Joint II, Arakkonam, Vellore District.

+2ccs to Mr.K.Kannan, Advocate, S.R.No.19972

+1cc to the Government Pleader, S.R.No.20675

WP.No.5724 of 2020

MP (CO)

KKV/16/06/2020

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