

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.10.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6422 of 2020

G.Srinivasan

...Petitioner

Vs.

1. The Inspector General,  
Tamil Nadu Registration Department,  
Santhome, Chennai 600 004.
  2. The Joint Sub Registrar - I.  
Joint Sub Registrar Office,  
Vellore and District.
  3. The Inspector of Police,  
Economic Office Wing,  
Vellore, Vellore District
- ...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 21.01.2010 to remove the case particulars which is wrongly mentioned in the encumbrance certificate in respect of property in S.No.244 Sub division No.244/1B1 in Poigai Village, Vellore District on stipulated time as may be fixed by this Court.

For Petitioner : Mr.T.Gnana Babu  
For Respondents : Mr.T.M.Pappiah  
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2<sup>nd</sup> respondent to consider the representation made by the petitioner on 21.01.2020, wherein the petitioner has sought for correcting the entry made in the encumbrance certificate pertaining to the subject property.

2. The case of the petitioner is that she purchased the subject property situated at Survey No.244, Sub-division No.244/1B1 measuring an extent of 2250 Sq.ft. of vacant land. This property was purchased by virtue of a registered sale deed dated 20.11.2015. The petitioner while verifying the encumbrance

certificate, found that an entry has been made by including the property of the petitioner on the ground that an order of attachment has been passed by the competent authority under the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 (herein after called TANPID Act). The grievance of the petitioner is that the representation given by the petitioner was not considered and hence, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner by bringing to the notice of this Court the relevant Government Order viz., G.O.Ms.No.912 of 2017 dated 08.12.2017 submitted that the subject property does not form part of the order of attachment. The learned counsel submitted that inspite of submitting this Government Order before the 2<sup>nd</sup> respondent, no action was taken to correct the wrong entry made in the encumbrance certificate.

4. Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents 1 and 3 submitted that the representation made by the petitioner will be considered in line with Government Order which describes the properties that were attached under the TANPID Act. The learned counsel submitted that some time limit can be fixed by this Court to enable the 2<sup>nd</sup> respondent to take decision on the representation made by the petitioner.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the 2<sup>nd</sup> respondent to consider the representation made by the petitioner on 21.01.2020 in line with Government Order in G.O.Ms.No.912 of 2017 dated 08.12.2017 and take decision in accordance with law, within a period of four weeks from the date of receipt of copy of this order. The 2<sup>nd</sup> respondent shall also get a clarification from the 3<sup>rd</sup> respondent in this regard. The petitioner is directed to make a fresh representation to the 2<sup>nd</sup> respondent along with all relevant documents and also a copy of this order. A copy of this representation shall also marked to the 3<sup>rd</sup> respondent.

6. This writ petition is disposed of with the above directions. No costs.

sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

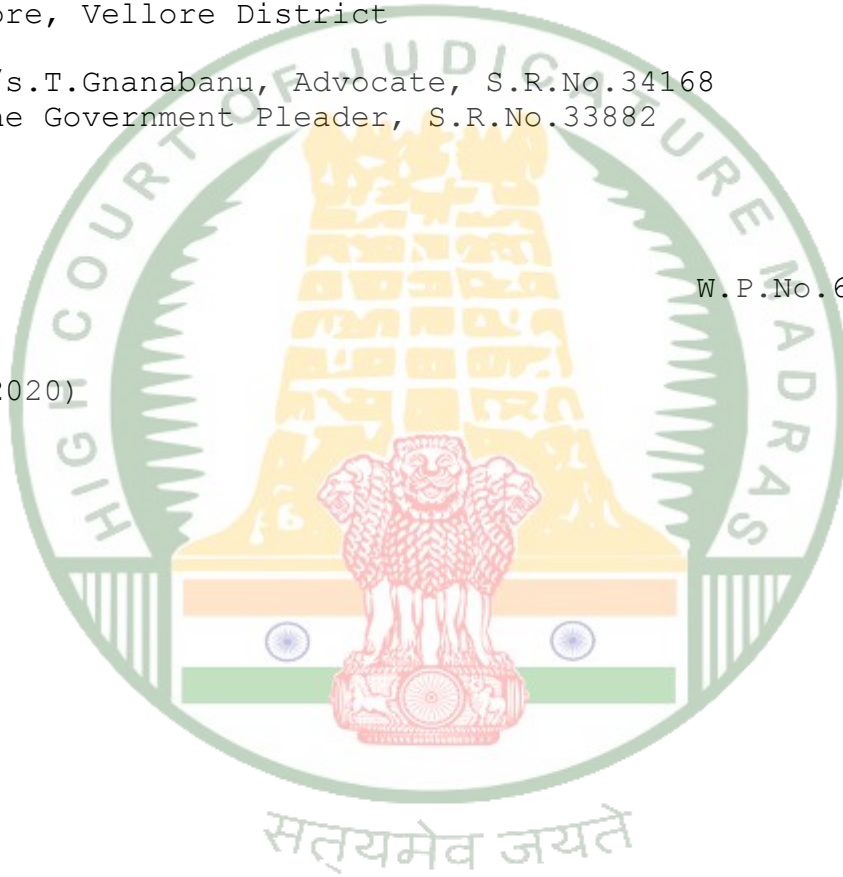
To

1. The Inspector General,  
Tamil Nadu Registration Department,  
Santhome, Chennai 600 004.
2. The Joint Sub Registrar - I.  
Joint Sub Registrar Office,  
Vellore and District.
3. The Inspector of Police,  
Economic Office Wing,  
Vellore, Vellore District

+1cc to M/s.T.Gnanabanu, Advocate, S.R.No.34168  
+1cc to the Government Pleader, S.R.No.33882

W.P.No.6422 of 2020

RR(CO)  
RV(19/11/2020)



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