

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.12838 of 2020

M/s.Integra Automation (P) Limited
Rep. by its Managing Director
Mr.S.Sokkalingam

...Petitioner

.Vs.

1. The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028.
2. The District Registrar
Chengalpet
No.10, Kancheepuram Main Road
Chengalpet 603 002.
3. The Sub Registrar
Sriperumbudur
No.16/8, Chetty Street
Sriperumbudur 602 305.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to remove the wrong entry found in Encumbrance Certificate by conducting proper enquiry and to issue a new Encumbrance Certificate after removing the wrong entry.

For Petitioner : Mr.R.Karunakaran

For Respondents: Mr.T.M.Pappiah

Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to remove the wrong entry found in the Encumbrance Certificate after conducting an enquiry based on the representation made by the petitioner on 31.07.2020.

2. The case of the petitioner is that they are the owners of the property situated in S.No.487/1, 487/2 and 487/3 at

Valarpuram Village, Sriperumbudur Taluk, Kancheepuram District. The further case of the petitioner is that when an enquiry was made and the Encumbrance Certificate was examined, it was found that a wrong entry has been made as if one Pandi Arulappa has sold a portion of the property in S.No.487/2. According to the petitioner, instead of mentioning as S.No.489/2, survey number has been wrongly entered as S.No.487/2. This is a transaction which took place in the year 1983.

3. The petitioner made a representation to the respondents to carry out correction in the Encumbrance Certificate and mention the Survey Number as 489/2. It is also seen from records that the third respondent has rejected the representation made by the petitioner by letter dated 06.08.2020 stating that the petitioner has to approach the Court and seek for the relief.

4. Heard Mr.R.Karunakaran, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents.

5. The relief claimed by the petitioner is to direct the respondents to carry out the correction in the Encumbrance Certificate. The respondents are officers, who are created by operation of a Statute called the 'Registration Act'. The powers of the respondents are prescribed under the Act itself and the respondents cannot perform any act, which goes beyond the purview of the Act. The petitioner wants the third respondent to make a correction in the Encumbrance Certificate and correct the entry made in the year 1983 by changing the Survey Number from 487/2 to 489/2. This is an exercise which can never be undertaken by the third respondent. It is for the petitioner to either get this rectified by the party concerned by executing a Rectification Deed or approach an appropriate Court seeking for the relief. Based on the same, the third respondent can act upon and make the necessary entries in the Encumbrance Certificate. This is the only way in which the entry can be rectified in the Encumbrance Certificate. In view of the same, the relief claimed by the petitioner cannot be granted by this Court and the petitioner has to work out his remedy in accordance with law.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration
No.100, Santhome High Road
Chennai 600 028.

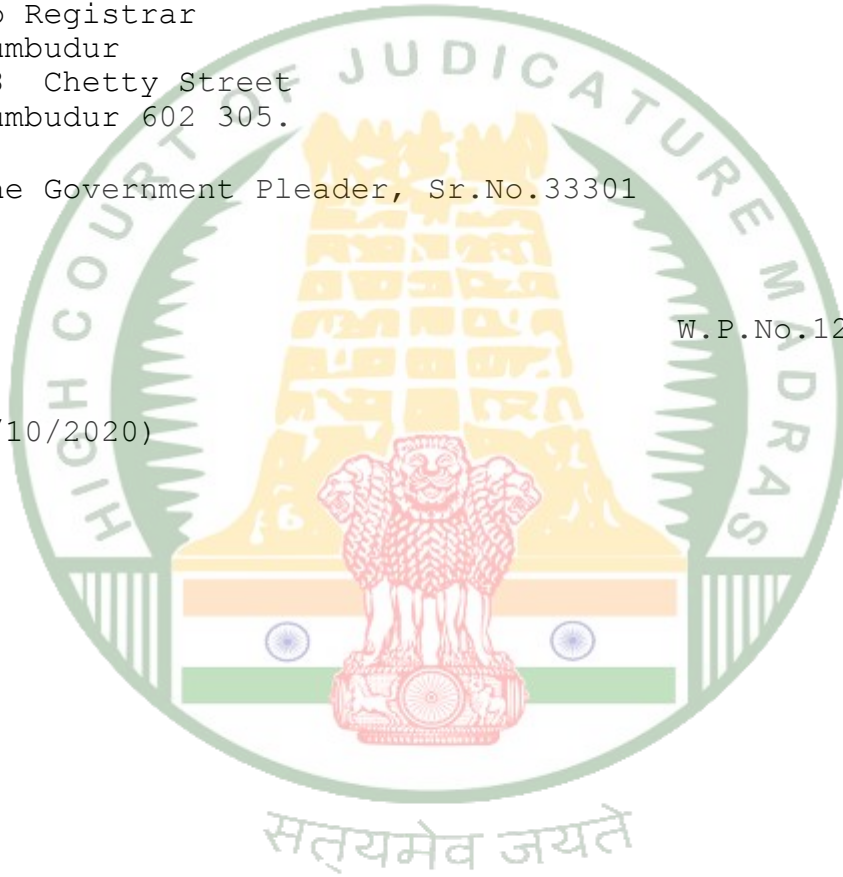
2. The District Registrar
Chengalpet
No.10, Kancheepuram Main Road
Chengalpet 603 002.

3. The Sub Registrar
Sriperumbudur
No.16/8 Chetty Street
Sriperumbudur 602 305.

+1cc to the Government Pleader, Sr.No.33301

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