

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.13141/2020

N.Govindasamy

..Petitioner

Versus

1. The District Registrar
Office of the District Registration
Registration Department
Ariyalur.

2. The Sub Registrar
Office of the Sub Registrar
Registration Department
Vikkaramankalam
Ariyalur.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to cancel the entries in respect of the petitioner's properties situated at Perambalur District, Udaiyarpalayam Taluk, Kadampur Village, in the light of the judgment and decree passed in OS.No.83/2007 by the consideration of the petitioner's representation dated 25.09.2019 and 03.12.2019.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.T.M.Pappiah, Spl.GP

ORDER

- (1) This writ petition has been filed for the issue of a writ of mandamus directing the respondents to act upon the representations made by the petitioner on 25.09.2019 and 03.12.2019 respectively and to delete the entry made in the Encumbrance Certificate.
- (2) Heard the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader accepting notice on behalf of respondents.
- (3) It is seen from records that initially the subject property was mortgaged. Subsequently, a suit was filed in OS.No.83 of 2007 before the District Munsif Court, Jayamkondam to declare that the mortgage as null and void and for a permanent injunction. The suit was decreed as prayed for vide judgment

and decree dated 15.04.2009. The petitioner made representations to the respondents requesting them to take into consideration, the decree passed by the Civil Court and to delete the earlier entry made in the Encumbrance Certificate. Since the same was not considered, the present writ petition has been filed before this Court.

(4) In the considered view of this Court, the respondents do not have the jurisdiction to delete any entries made in the Encumbrance Certificate. At the best, the petitioner can only get the decree registered before the 2nd respondent and thereby, effectively reverse the earlier entry made in the Encumbrance Certificate. Accordingly, the petitioner is given an opportunity to present the decree passed in OS.No.83 of 2007 before the 2nd respondent and the 2nd respondent shall register the same, if it is otherwise in order and the petitioner pays the necessary stamp duty and registration fees.

(5) This writ petitions is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Registrar
Office of the District Registration
Registration Department
Ariyalur.
2. The Sub Registrar
Office of the Sub Registrar
Registration Department
Vikkaramankalam, Ariyalur.

+1cc to Mr.S.Arivazhagan, Advocate in SR.NO..31101

+1cc to the Government Pleader, Advocate in SR.NO..31293

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PP(CO)
RV(14/10/2020)