

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.17580 of 2020

Rukmani

....Petitioner

vs.

1. The Sub Registrar,
Avinashi-641 654.

2. The District Registrar of Tiruppur,
Office of District Registrar Office,
No.1/3, Vignesh Complex, Ground Floor, PN Road,
Opposite Sivan Theatre, Tiruppur.

3. The Inspector General of Registration,
No.100, Santhome Road, Mullima Nagar,
Raja annamalai puram, Mandavelipakkam,
Chennai-28.

....Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.09.2020 on merits.

For Petitioner : Mr.R.Muthukumar

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 15.09.2020 wherein the petitioner is seeking for the cancellation of two entries made in the encumbrance certificate.

2. Heard Mr.R.Muthukumar, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader, appearing on behalf of respondents.

3. The petitioner is seeking for deleting two entries made in the encumbrance certificate with regard to the registration of two sale deeds dated 19.02.2007 and 11.06.2007. According to the petitioner, these two documents are fabricated and fraudulent documents. The further case of the petitioner is that the petitioner filed a civil suit in O.S.No.147 of 2010 before the learned District Munsif Court, Avinashi and the same was also decreed by Judgment and Decree

dated 22.10.2016. It is further stated that this decree was also registered on the file of the first respondent on 28.11.2016 in document No.13830 of 2016.

4. The petitioner has made a representation to the respondents on 15.09.2020 to delete the two earlier entries that were made when registering the sale deeds dated 19.02.2007 and 11.06.2007.

5. In the considered view of this Court, the respondents do not have any power under the Registration Act to delete any entries made in the encumbrance certificate. If the petitioner was aggrieved with the execution of the two sale deeds, the petitioner should have sought for a relief to declare those sale deeds as null and void in the civil suit. Admittedly, no such relief was sought for by the petitioner. If according to the petitioner, the subsequent decree that was granted in O.S.No.147/2010 substantiates the right of the petitioner in the subject property, the petitioner can always establish such a right in the eye of law. That does not mean that the respondents can straight away delete the entries made at that time of registering the sale deeds dated 19.02.2007 and 11.06.2007. The petitioner is not entitled for the relief sought for in this writ petition. No useful purpose will be served by directing the respondents to consider the representation made by the petitioner.

6. In the result, this writ petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1. The Sub Registrar,
Avinashi-641 654.

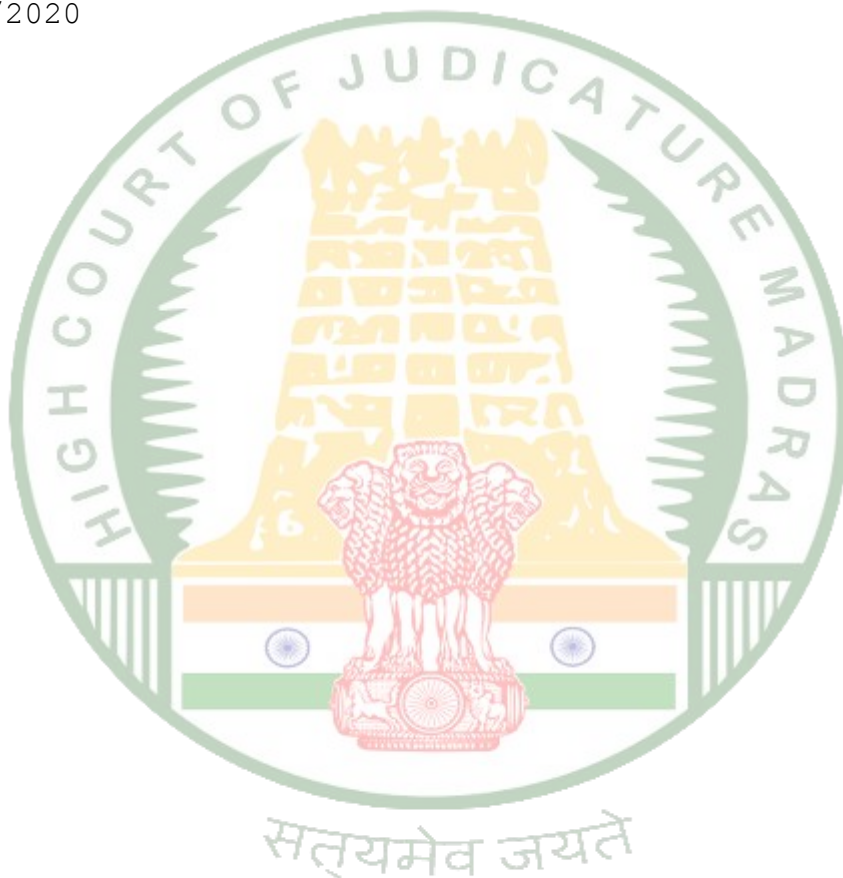
2. The District Registrar of Tiruppur,
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Opposite Sivan Theatre, Tiruppur.

3. The Inspector General of Registration,
No.100, Santhome Road,Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai-28.

+1 cc to M/s Muthukumar, Advocate Sr.38933
+1 cc to Government Pleader Sr.39304

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MJB (CO)
RVR 19/12/2020



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