

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.32985 of 2019

S.Vijayakumar

..Petitioner

.v.

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

2.The District Registrar,
Electronics Complex,
Block 3, 3rd Floor, Labour Colony,
Guindy, Chennai 600 032.

3.The Sub Registrar,
Kundrathur,
Chennai 600 069.

4.Varadarajan @ Kamaraj

5.Jayaganthi

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider and pass orders on the representation dated 23.05.2018, submitted by the petitioner.

For Petitioner : Mr.P.Gajendra Babu

For Respondents : Mr.M.Tamizharasan

Additional 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 23.05.2019 and to delete the entry made in the Encumbrance Certificate.

2.The case of the petitioner is that his father is the owner of the property and he had executed a Registered Settlement Deed in favour of the petitioner on 16.05.2003. A Patta was also issued in the name of the father. The father of the petitioner expired in the year 2008.

3.The further case of the petitioner is that two other persons started claiming ownership over the property on the basis of a Will and based on the Will, a Settlement Deed was also executed in their favour. This Settlement Deed was registered and it found place in the Encumbrance Certificate. This fact came to be known to the petitioner.

4.The petitioner thereafter filed O.S.No.103/2017, before the Sub Court, Poonamallee for declaration of title of the petitioner and for declaring the Settlement Deed as null and void and for other consequential relief. An ex parte judgment and decree was passed in favour of the petitioner on 26.04.2018. The petitioner thereafter made a representation to the respondents to delete the entry made in the Encumbrance Certificate since the Settlement Deed has been declared to be null and void. The same was not considered and therefore, the present writ petition has been filed before this Court.

5.Mr.P.Gajendra Babu, learned counsel appearing for the petitioner and Mr.M.Tamizharasan, learned Additional Government Pleader appearing on behalf of the respondents.

6.A Competent Civil court has now passed a judgment and decree in favour of the petitioner and therefore, the petitioner can as well register this decree instead of seeking for the cancellation of the earlier entry. By registering the decree, the earlier entry can be squared off.

7.In view of the above, the petitioner is directed to make a fresh application to the 3rd respondent along with the judgment and decree passed in O.S.No.103/2017. The respondent on receipt of the same, shall register it after collecting the necessary fees.

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

Sd/-

Assistant Registrar(C.S.VII)

/True copy/

Sub Assistant Registrar

To

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

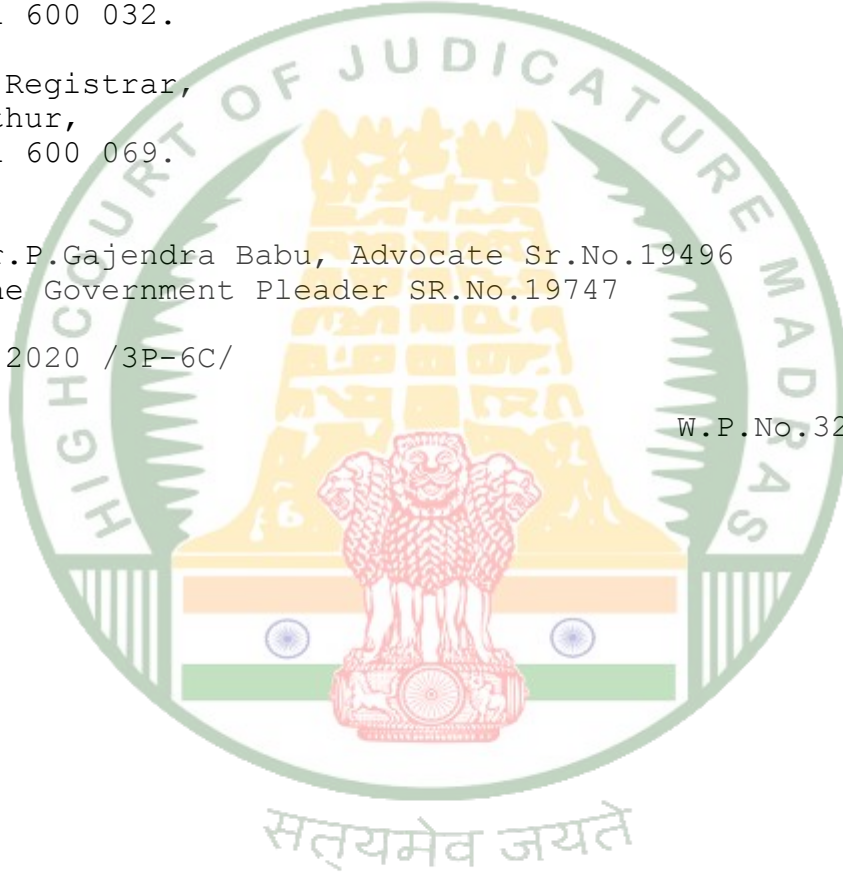
2.The District Registrar,
Electronics Complex,
Block 3, 3rd Floor, Labour Colony,
Guindy,
Chennai 600 032.

3.The Sub Registrar,
Kundrathur,
Chennai 600 069.

+1cc to Mr.P.Gajendra Babu, Advocate Sr.No.19496
+1cc to The Government Pleader SR.No.19747

AKM/09.03.2020 /3P-6C/

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