



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2020

CORAM

THE HONOURABLE MR.JUSTICE **C. SARAVANAN**

W.P (MD)No.7101 of 2020

Gaffar Rahamathullah

... Petitioner

Vs.

1.The District Registrar,
The District Registration Office,
Ramanathapuram District and Post,
Ramanathapuram District.

2.The Sub Registrar,
Ramanathapuram,Vandikkaran Street,
Ramanathapuram District.

3.Mohammed Rasultheen

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to register the Civil Court decree by holding an enquiry after issuance of notice to all the parties and to register the Civil Court judgment and decree passed in A.S.No.107/1992, dated 30.11.1992 on the file of the Subordinate Court, Ramanathapuram and judgment and decree passed in S.A.No.183 of 1997, dated 11.10.2007 under Section 23 of the Registration Act and consequently, to remove the offending entry made with regard to the petitioner's properties in Survey Nos.372/1 and 372/2 in an extent of 6 acres 62 cents situated at Chittarkottai Village, Ramanathapuram Taluk and Ramanathapuram District and to issue a corrected encumbrance certificate to the petitioner by carrying out necessary corrections in the second respondent office records in accordance with law within the time frame stipulated by this Hon'ble Court or any other suitable direction deemed to be fit and proper by this Hon'ble Court.

For Petitioner

: Mr.P.Senthur Pandian

For R1 and R2

: Mr.V.Anand

Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the second respondent to register the Civil Court judgment and decree passed in A.S.No.107/1992, dated 30.11.1992 on the file of the Subordinate Court, Ramanathapuram and judgment and decree passed in S.A.No.183 of 1997, dated 11.10.2007 by holding an enquiry after issuance of notice to all the parties under Section 23 of the Registration Act and consequently, to remove the offending entry



made with regard to the petitioner's properties in Survey Nos.372/1 and 372/2 in an extent of 6 acres 62 cents situated at Chittarkottai Village, Ramanathapuram Taluk and Ramanathapuram District and to issue a corrected encumbrance certificate to the petitioner by carrying out necessary corrections in the second respondent office records in accordance with law within the time frame stipulated by this Court.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the first and second respondents.

3.It is the case of the petitioner that he is entitled to for the relief and the decree has to be registered in the light of order passed by this Court in W.P(MD)No.16451 of 2019, dated 01.08.2019. The petitioner has also sent a representation to the official respondents on 03.03.2020. However, the respondents 1 and 2 have not responded thereafter.

4.Considering the facts and circumstances of the case, this Court is inclined to issue the following directions:

4.1.The respondents 1 and 2 are directed to consider the representation of the petitioner, dated 03.03.2020 in the light of aforesaid decision of this Court and pass appropriate orders on merits and in accordance with law within a period of thirty days from the date of receipt of a copy of this order.

5.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cmr

To

1.The District Registrar,
The District Registration Office,
Ramanathapuram District and Post,Ramanathapuram District.

2.The Sub Registrar,
Ramanathapuram,Vandikkaran Street,Ramanathapuram District.

W.P(MD)No.7101 of 2020

30.06.2020

AP(03/07/2020) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>