

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.04.2021
CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.9032 of 2021

R.C.P. Anbazhagan

...

Petitioner

Vs

1.The Inspector General of Registration,
Santhom,
Chennai.

2. The Sub Registrar,
Thalaivasal,
Sub Registrar Office,
Thalaivasal Post & Taluk,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to delete the entry of lease deed vide Doc.No.3331/1986 dated 01.12.1986 on the file of the Sub-Registrar Office, Thalaivasal in S.No.10/4, 129/1, 2/232 situated at Navalur Village, Attur Taluk, Salem District and consequently makes the petitioner's property free from all encumbrances.

For petitioner

... Mr. M. Rajendiran

For respondents

... Mr. T.M. Pappiah,
Spl. G.P.

ORDER

This writ petition has been filed seeking a direction to the respondents to delete the entry of lease made in the register maintain by the 2nd respondent Sub-Registrar, Thalaivasal.

2. The grievance of the petitioner is that he is the owner of the property in Survey Nos.129/1 and 10/4. Earlier in the year 1986, the petitioner is said to have granted permission for mining for a period of 5 years. Thereafter, lease to quarry was not renewed and it expired as early as in the year 1991, However, the encumbrance made in the Register is so far not

deleted, and it has been reflected in the encumbrance certificate. Hence, this writ petition has been filed seeking a direction to the respondents to delete the said entry made in the registry.

3. Mr. M. Rajendran, learned counsel for the petitioner would submit that already permission for mining lease to quarry has been given only for a period of 5 years and it was expired in the year 1991. Since the above said entry is reflected in the encumbrance certificate, he is not able to further deal with the property. Hence, he seeks a direction to delete the entry of lease made in the registry.

4. Mr. T.M.Pappiah, learned Special Government Pleader, appearing for the respondent would submit that admittedly, the petitioner was given permission for the stone quarry and it was registered, and it will reflect in the encumbrance certificate, and such an entry cannot be deleted from the registry and the prayer sought by the petitioner cannot be maintainable.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. I find much force in the argument of the learned Special Government Pleader. Admittedly, the permission granted for mining has been registered with the 2nd respondent, it is reflected in the encumbrance certificate. Once the entry is made, it cannot be deleted from the registry. However, if the period of lease was expired in the year 1991, it is not a bar for the petitioner to deal with the property in future.

7. With the above observation, this Writ Petition is disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp
To

1.The Inspector General of Registration,
Santhom,
Chennai.

2. The Sub Registrar,
Thalaivasal,
Sub Registrar Office,
Thalaivasal Post & Taluk,
Salem District.

+1cc to Mr. M. Rajendiran , Advocate SR.No. 22425

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gpl (CO)

A.SK(16.06.2021)



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