

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.10597 of 2021

S.Chidambaram @ Sudha,
S/o. Late Sethu Subramaniam .. Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600004.
2. The District Registrar (Administration),
Combined Commercial Tax and Registration Department
Buildings,
Ground Floor, Veterinary Hospital Road,
Fanpet, Nandanam, Chennai - 35.
3. The Sub Registrar,
Office of the Sub Registrar,
Guduvancherry, Chennai -600202. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to strike off and to cancel the sale deed dated 23.11.2006, bearing document No.13925 of 2006 on the file of the Sub Registrar Office, Guduvanchery and delete the entry in the Encumbrance Certificate.

For Petitioner : Mr.R.Rajarajan

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

O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the respondents to strike off and cancel the sale deed dated 23.11.2006, bearing document No.13925 of 2006 on the file of the Sub Registrar Office, Guduvanchery and delete the entry in the Encumbrance Certificate.

2. The grievance of the petitioner is that one Central Government Staff Housing Welfare Society, constituted for the purpose of providing house plots at reasonable price to its members, who are all Central Government staff. The petitioner purchased the house site from the said Society on 23.11.2006, which has been registered under document No.13925 of 2006 on the file of the third respondent Sub Registrar. Thereafter, inadvertently, once again another sale deed was executed by the Society in favour of the petitioner on 22.12.2006, and the same was registered under document No.15695 of 2006. As two sale deeds have been registered in respect of the very same property, the petitioner approached the third respondent by way of a representation to delete the entry in respect of the document No.13925 of 2006, dated 23.11.2006. As the said representation has not been considered, the petitioner has filed the present writ petition.

3. Mr.R.Rajarajan, learned counsel appearing for the petitioner submitted that the Society registered the sale deed on 23.11.2006 and thereafter inadvertently registered another sale deed on 22.12.2006 in favour of the petitioner. Therefore, two entries exists in the Sub Registrar office and the petitioner only wants one entry to be deleted and that was not considered by the third respondent Sub Registrar.

4. Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents, on instructions, submitted that even though two documents have been registered in respect of the same property, the Sub Registrar has no power to delete any entry. Hence the prayer sought for by the petitioner cannot be complied with. However, the learned Special Government Pleader fairly submitted that the Sub Registrar can conduct an enquiry and make an endorsement in the Register with regard to one of the documents as not acted upon and the petitioner may be directed to file appropriate application in this regard.

5. I have considered the rival submissions and also perused the records carefully.

6. As rightly contended by the learned Special Government Pleader, there is no power for the Sub Registrar to cancel any endorsement made in the register regarding a document already registered. As stated by the learned Special Government Pleader, the Registrar can only look into the document and make such endorsement that the particular document cannot be acted upon. In such circumstances, the petitioner may approach the third respondent with appropriate application seeking for appropriate relief within a period of two weeks from the date of receipt of a copy of this order and on filing such application, the Sub Registrar shall conduct an enquiry by giving opportunity of hearing to the petitioner and pass

suitable orders within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rpp

To

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600004.
2. The District Registrar (Administration),
Combined Commercial Tax and Registration Department
Buildings,
Ground Floor, Veterinary Hospital Road,
Fanpet, Nandanam, Chennai - 35.
3. The Sub Registrar,
Office of the Sub Registrar,
Guduvancherry, Chennai -600202

+1cc to Mr.D.Rajasekar, Advocate SR.No.25626

+1cc to Government Pleader SR.No.26339

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EV(CO)
GMY(29/06/2021)

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