



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 4.8.2021.

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.11430 of 2021

Ponnusamy,
Principal, **Petitioner**
rep. by T.Rajendran,
General Power of Attorney

... Petitioner

vs.

1. The Government, rep. by its
Secretary to Government,
CT & Registration Department,
Secretariat, Chennai 600 009.

2. The Inspector General of Registration,
100 Santhom High Road,
R.A.Puram, Chennai 600 028.

3. The District Sub Registrar,
Dharmapuri District 636 701.

4. The Sub Registrar,
Palacode,
Dharmapuri District 636 808.

5. Mr.Veerppan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus directing the Government respondents 1-4 to cause amendments to remove factual errors in the Encumbrance Certificate record concerned as well appropriate amendments/corrections to Book IV in respect of the above Sale Deed Document No.2111/1980 and also to Gift (Thana) Settlement Deed document No.1877/1997 with appropriate amendments reflecting the said mentioned facts thereon above, property which was lawfully purchased with absolute title and interest by the purchaser within a stipulated time.

For Petitioner : Mr.A.S.Palanisamy

For RR1 to 4 : Mr.K.M.D.Muhilan, Government Advocate



ORDER

The writ petitioner had purchased 4 cents of land from Mariappan son of Kondappa Naidu alias Kondanaicken by a registered sale deed bearing Document No.2111 of 1980 before the Sub Registrar Office at Palacode, Dharmapuri District.

2. The said land measures an extent of 1728 sqft in S.No.75/1A. The said Mariappan held a larger extent of land measuring 3.05 acres. Subsequently, the said Mariappan had executed a settlement deed as Document No.1877 of 1997 registered in the same Sub Registrar Office, Palacode for the entire extent of 3.05 acres in favour of his son the 5th respondent herein Veerappan. The necessary records in the Revenue Office also got mutated to show the fifth respondent was the owner of the entire 3.05 acres pursuant to the said settlement.

3. It is the case of the writ petitioner that the father could not have given settlement in respect of 1728 sqft of land out of 3.05 acres since he had purchased the same from Mariappan by Document No.2111 of 1980. Therefore, the writ petition had been filed seeking a direction against the respondent particularly the District Sub Registrar, Dharmapuri District and the sub Registrar, Palacode to cancel and rectify the error in the settlement deed that had been executed by Mariappan in favour of his son Veerappan.

4. Naturally, any rectification in the said document can be done only when the said document is examined independently and it would be open to the Government officials to make any such rectification only if the petitioner approaches the civil court and obtains necessary relief. The writ petition may not lie and therefore, I am not inclined to grant any relief in this writ petition. No further orders will be required in this writ petition. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



ssk

To

WEB COPY

1. The Secretary to Government,
CT & Registration Department,
Secretariat, Chennai 600 009.
2. The Inspector General of Registration,
100 Santhom High Road,
R.A.Puram, Chennai 600 028.
3. The District Sub Registrar,
Dharmapuri District 636 701.
4. The Sub Registrar,
Palacode,
Dharmapuri District 636 808.

+2cc to Mr.A.S.Palaniswamy, Advocate Sr.38756
+1cc to the Government pleader Sr.38855

**To be Substitute the
order already
despatched on
31.08.2021**

W.P.No.11430 of 2021

gpl[col]
srg 23/08/2021
CB(08/09/2021)