



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO. 13742 OF 2019

Pachayappan

..Petitioner

Vs

The Sub Registrar,
Office of Sub Registrar,
No.100, Santhome High Road,
Santhome,
Chennai - 600 004.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider and dispose the petitioner's representation dated 12.11.2019 insofar as to initiate appropriate action and rectify the error in entries in Encumbrance Certificate of the property situated at No.141, Plot No. 305, KVB Garden, Mylapore, Chennai - 600 028 and issue fresh Encumbrance Certificate reflecting correct entries.

For Petitioner : Mr.K.Kulandai Velu

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondent to consider and dispose the petitioner's representation, dated 12.11.2019 insofar as to initiate appropriate action and rectify the error in entries in Encumbrance Certificate of the property situated at No.141, Plot No. 305, KVB Garden, Mylapore, Chennai - 600 028 and issue fresh Encumbrance Certificate reflecting correct entries.



2. According to the petitioner, the property situated in Door No.141, Plot No. 305, KVB Garden, Mylapore, Chennai - 600 028, was initially allotted to one Mr.Dhakshinamoorthy by the Tamil Nadu Slum Clearance Board in the year 1982. Subsequently, the sale agreement was executed by the said Dhakshinamoorthy with his two brothers namely Velayutham and V.K.Mani in favour of the petitioner herein, on 23.10.1991 and the same was registered as Document No. 2043 of 1991 on the file of Sub Registrar Office, Mylapore. Thereafter, the said Dhakshinamoorthy had granted Power of Attorney to the petitioner's wife namely Mrs.Vijaya, W/o. Pachayappan, over the said property vide Power of Attorney dated 23.10.1991, which has been registered on the file of Sub Registrar Office, Mylapore, vide Document No.715 of 1991. Subsequently, the petitioner had applied for the encumbrance certificate for the period from 01.01.1983 to 23.09.2018 through application No.4338 of 2018 in respect of the said property and the same was issued by the respondent on 24.09.2018. After receiving the encumbrance certificate, it was found that the entries reflected in the encumbrance certificate were found to be erroneous and the sole entry in the certificate was relating to Document No.2043 of 1991, which is reflected as sale deed executed by the said Dhakshinamoorthy in favour of the petitioner. In fact, the Document No. 2043/1991 is not a sale deed, it is a sale agreement executed by one Dhakshinamoorthy with his two brothers in favour of the petitioner. The Power of Attorney executed by one Dhaksinamoorthy in favour of the petitioner's wife Mrs.Vijaya vide Document No.715/1991 was also not reflected in the said encumbrance certificate. Finally, the petitioner had sent a representation dated 12.11.2019 to the respondent herein for rectifying the entries in the encumbrance certificate and issue a fresh encumbrance certificate with correct entries. Despite the receipt of the representation from the petitioner, the respondent officials have failed to initiate appropriate action for rectification of error made in the encumbrance certificate. Therefore, the petitioner has come forward with the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondent to consider the petitioner's representation dated 12.11.2019 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a



direction to the first respondent to consider the petitioner's representation dated 12.11.2019 and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

msm

To

The Sub Registrar,
Office of Sub Registrar,
No.100, Santhome High Road,
Santhome, Chennai - 600 004.

+1cc to Mr.K.Kulandai Velu, Advocate, S.R.No.42503

+1cc to the Government Pleader, S.R.No.43067

+1cc to Mr.K.Kulandai Velu, Advocate, S.R.No.42503 (11/10/2021)

W.P.No. 13742 of 2019

AD(CO)
RLP(24/09/2021)