



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.17010 OF 2021

AND

W.M.P.NO.18027 OF 2021

1. Mrs.S.Roshini

2. Mrs.Hemamalini Kannan

... Petitioners

.Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Fore Shore Estate,
Chennai - 600 028.

2. The Joint Sub Registrar II,
Chengalpattu.

... Respondents

PRAYER:-

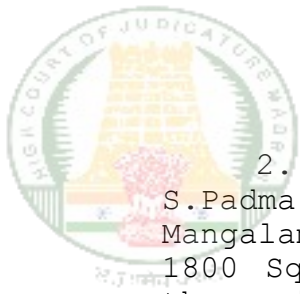
Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to rectify the index record as per the original sale deed dated 14.05.1986 registered on 16.05.1986 as Doc.No.1284 of 1986 in the office of the 2nd respondent herein.

For Petitioner : Mr.S.Rajendrakumar

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the first respondent to rectify the index record as per the original Sale Deed dated 14.05.1986 registered on 16.05.1986 as Document No.1284/1986 before the Joint Sub Registrar II, Chengalpattu.



2. The case of the petitioners is that their mother viz., S.Padma purchased a Plot No.144 in Sri Valli Nagar in Thalli Mangalam Village, Chengalpattu Taluk and District, measuring 1800 Sq.ft., comprised in S.No.9/2A2, from one Mrs.Renu Lulla, the said deed was executed on 14.05.1986 and registered on 16.05.1986 and registered as Documet No.1284/1986, before the the Joint Sub Registrar II, Chengalpattu.

3. The petitioners submit that at the time of registration, their mother's co-sister one Mrs.Radha also purchased the adjacent land in Plot No.142, in the same village and Survey Number and their mother S.Padma died on 14.11.2008 leaving behind Mrs.Lakshmi Raman and the petitioners herein as legal heirs.

4. The petitioners further submit that she along with the other legal heirs wanted to dispose of the said property, for that purpose she applied for an encumbrance certificate in respect of the said property with the second respondent through Internet, but the Encumbrance Certificate did not reflect the Document No.1284/1986.

5. According to the petitioners, she sent a representation to the second respondent on 30.07.2019 and the same was received by him on 31.07.2019, but the said representation was returned by him on the same day, but the said representation was returned with an endorsement that "in the register the name mentioned was Mrs.Radha in the deed it was mentioned as S.Padma and therefore, the mistake cannot be rectified.

6. The petitioners submit that thereafter on 30.09.2013, her sister the second petitioner herein sent a representation to the Inspector General of Registration, the first Respondent herein requesting him to correct the name of the purchaser as well as record as per the Sale Deed despite receipt of the same, the first respondent has neither replied nor complied with their request.

7. The petitioners further submit that they were advised to submit as per Rule 121 of the Registration Rules, 1949, the names of all persons executing documents shall be entered in one column and the names of all persons claiming under documents in another column in Appendix VI.

8. According to the petitioners, this could have indicated as to the person who had claimed under the said document and all these show that this is a rectifiable mistake, which had crypt in inadvertently and if the mistake is allowed to continue, this would affect the marketability of the title and she would be precluded from dealing with the property, which preclusion will



militate against the right guaranteed by their constitution.

9. The petitioners submit that the Authorities viz., the respondents who ought to have rectified the mistake at least when pointed out by them are maintaining a stoic silence and the respondents are refusing to perform their duty that is rectification of the register and they again sent a representations dated 17.07.2021 and 20.07.2021 but the first respondent has not acted upon it till date.

10. The petitioners have no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

11. Heard learned counsel for the petitioners and the learned Government Advocate for the respondents and perused the materials available on record.

12. In view of the above facts and circumstances of the case and considering the submission made by the petitioners and this court is of the view that Authorities shall consider the representations dated 17.07.2021 and 20.07.2021 sent by the petitioners and pass appropriate orders in accordance with law after issuing notice to all the necessary parties within a period of four months from the date of receipt of a copy of this order.

13. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Fore Shore Estate,
Chennai - 600 028.



2. The Joint Sub Registrar II,
Chengalpattu.

+1cc to Mr.S.Rajendrakumar, Advocate, S.R.No.52627

+1cc to the Government Pleader, S.R.No.53200

W.P.NO.17010 OF 2021 AND
W.M.P.NO.18027 OF 2021

NMI (CO)
PBS/19/01/2022