

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.32135 of 2018

Vaizul Karunai

...Petitioner

-Vs-

1. The Inspector General of Registration
Office of the Inspector General of Registration
Santhome High Road, Mylapore, Chennai 600 004.
2. The Assistant Inspector General of Registration
Office of the Assistant Inspector General of
Registration, Guindy, Chennai.
3. The Sub Registrar
Office of the Sub-Registrar
Neelangarai, Chennai.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the 3rd respondent to made endorsement of the judgment and decree dated 19.09.2014 in O.S.No.507/2014 on the file of the Principal Judge, Alandur, relating to the petitioner's property in the office of the Sub Registrar, Neelangarai.

For Petitioner : Mr.J.Feroze Khan

For Respondents : Mr.P.Purushothaman, Government Advocate

सत्यमेव जयते
O R D E R

The prayer sought for herein is for a Writ of Mandamus to direct the 3rd respondent to made endorsement of the judgment and decree dated 19.09.2014 in O.S.No.507/2014 on the file of the Principal Judge, Alandur, relating to the petitioner's property in the office of the Sub Registrar, Neelangarai.

2. The case of the petitioner is that, the petitioner's father purchased a property ie., house site in Plot No.25, V.G.P.Golden Beach Part III Layout approved with Approval No.LPDM/DDTP No.150/74 comprised in S.No.15/1C as per Patta No.373 Survey No.15/113 of Injambakkam Village, Saidapet Village

(now Sholinganallur Taluk), Kancheepuram and the same was registered as Doc.No.215 of 2003 on the file of Joint I Sub Registrar, Chennai North and patta was also issued in Patta No.5818. Subsequently, a third party by name D.Selvam said to have created a forged sale agreement unmindful of the fact that the property having been purchased by the petitioner's father and on the strength of the said sale agreement he has filed a suit in O.S.No.507 of 2014 on the file of the Principal District Munsif, Alandaur where he was able to get an interim injunction for the said property in I.A.No.912 of 2014 and the said order of injunction was produced by the said third party to the third respondent, Sub Registrar Office, Neelangarai, and the same was entered in the Encumbrance Record.

3. Subsequently, the said third party Selvam, in view of the compromise seems to have been entered into between the petitioner's father and the said third party, has withdrawn the suit. Accordingly, the suit was dismissed as withdrawn on 19.09.2014 and subsequently the petitioner's father died on 20.03.2015. Thereafter the petitioner, having inherited the property in question and having obtained the certified copy of the decree and judgment made in O.S.No.507 of 2014, produced the same to the third respondent office for recording the same in Encumbrance Record by removing the earlier encumbrance record. Despite the said request made on 04.06.2018, where the petitioner has produced the certified copy of the decree and judgment as stated supra for recording the same in the Encumbrance Record, since the third respondent has not acted upon, the petitioner has approached this Court by filing this writ petition with the aforesaid prayer.

4. Heard Mr.Feroze Khan, learned counsel for the petitioner, who has reiterated the aforesaid facts and seeks the indulgence of this Court to direct the respondents to consider the representation of the petitioner dated 04.06.2018.

5. Heard Mr.P.Purushothaman, learned Government Advocate, who would submit that, if at all the encumbrance was recorded by the third respondent pursuant to the interim order granted in I.A.No.912 of 2014 in O.S.No.507 of 2014 on the file of the Principal District Munsif, Alandur and subsequently since the said suit itself was dismissed, the certified copy of the judgment and decree dated 19.09.2014, are produced by the petitioner, certainly that would be verified and accordingly it would be recorded in the Encumbrance Record.

6. I have considered the submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and have perused the materials placed on record.

7. Since the third party suit filed in O.S.No.507 of 2014 on the file of the Principal District Munsif, Alandur was dismissed on 19.09.2014 and the certified copy of the decree and judgment obtained by the petitioner having been produced before the third respondent for recording the same in the Encumbrance Record, the third respondent has to act upon after verifying the veracity of the certified copy of the judgment and decree produced by the petitioner.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

That there shall be a direction to the third respondent to verify the certified copy of the judgment and decree made in O.S.No.507 of 2014 on the file of the Principal District Munsif, Alandur dated 19.09.2014 along with the representation of the petitioner dated 04.06.2018 and accordingly act upon to record the same in the Encumbrance Record, if it is otherwise in order. The needful as indicated above shall be undertaken within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Principal Judge, Alandur.
- 2.The Inspector General of Registration
Office of the Inspector General of Registration
Santhome High Road, Mylapore, Chennai 600 004.
- 3.The Assistant Inspector General of Registration
Office of the Assistant Inspector General of
Registration, Guindy, Chennai.

4.The Sub Registrar
Office of the Sub-Registrar
Neelangarai, Chennai.

+1cc to the Government Pleader, S.R.No.236720

W.P.No.32135 of 2018

PL (CO)
KKV/02/06/2021



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