



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.9818 of 2021

Perumal

... Petitioner

vs.

1.The District Registrar,
District Registrar Office,
Madurai District.

2.The Joint Registrar,
Madurai South,
Madurai.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent Nos.1 and 2 to remove the entry of encumbrance made in the encumbrance certificate pertaining to the property situated in Survey No.198, Part, EWS-B Lane, Plot No.2352, TNHB Colony, Mela Anuppanadi Village, Madurai - 625 009, within the time period stipulated by this Court.

For Petitioner : Mr.Pandi Dorai.J
For Respondents : Mr.P.Thilakkumar,
Government Advocate.

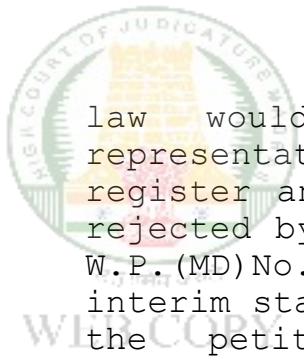
O R D E R

Mr.P.Thilak Kumar, learned Government Advocate accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, direct the respondent Nos.1 and 2 to remove the entry of encumbrance made in the encumbrance certificate pertaining to the property situated in Survey No.198, Part, EWS-B Lane, Plot No.2352, TNHB Colony, Mela Anuppanadi Village, Madurai - 625 009, within the time period stipulated by this Court.

4. The case of the petitioner is that the property in question stands in name of his deceased daughter, who had two female children. The petitioner is taking care of the children and arranged their marriage by getting loan. Apprehending his son-in-



law would alienate the property, the petitioner made a representation to the second respondent in the year 2020 not to register any document in the property in question and the same was rejected by the second respondent. Therefore, the petitioner filed W.P.(MD)No.17393 of 2017 before this Court and obtained an order of interim stay and thereafter, the said writ petition was withdrawn by the petitioner vide order dated 15.10.2019. When the granddaughters' of the petitioner tried to sell the property, the buyer are reluctant to buy because of the entry in encumbrance certificate as if a writ petition is pending. Therefore, the petitioner made a representation dated 26.04.2021 to the respondents to remove the entry in the encumbrance certificate. Since, no action was taken by the respondents, the petitioner filed the present writ petition.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to the respondents to dispose of the representation of the petitioner.

6. The learned Government Advocate appearing for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, the second respondent is directed to dispose of the representation of the petitioner, dated 26.04.2021, by keeping in my mind that the writ petition was withdrawn by the petitioner and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1.The District Registrar,
District Registrar Office,
Madurai District.

2.The Joint Registrar,
Madurai South,
Madurai.

+1 CC to M/s.SPL GP (SR-19042[F] dated 08/06/2021)

+1 CC to M/s.J.PANDIDURAI, Advocate (SR-19094[F] dated 09/06/2021)

W.P. (MD) No.9818 of 2021
07.06.2021

mj(CO)
TR(17.06.2021) 3P 5C