



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2021

CORAM:

**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

**W.P. (MD) .No.10171 of 2021**

Chinnan

... Petitioner

Vs.

The Sub Registrar,  
Office of Registration,  
Sindupatti,  
Madurai District.

... Respondent

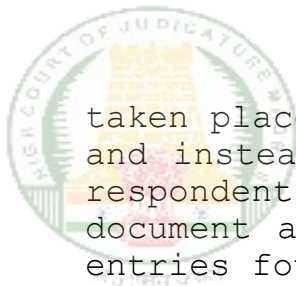
**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent to delete the entry in the Encumbrance Certificate in respect of the property in Survey No.100/4 to an extent of Hectares 1.89.5 (4 acres 68 cents) and in which 3 acres 78 cents with specific boundaries in Sedapatti Village, Peraiyur Taluk, Madurai District, on the basis of the petitioner's representation, dated 18.05.2021.

For Petitioner : Mr.D.Senthil  
For Respondent : Mr.S.Shanmugavel  
Government Advocate (Civil)

**ORDER**

This writ petition has been filed for the issue of a Writ of Mandamus, directing the respondent to act upon the representation made by the petitioner on 18.05.2021, wherein, the petitioner has sought for the deletion of an entry in the Encumbrance Certificate pertaining to the subject property. The case of the petitioner is that he is the owner of two properties situated in Survey Nos.100/3 and 100/4 and he has also been issued patta for these properties in Patta No.143. The further case of the petitioner is that he appointed a Power Agent to deal with both the properties. The Power Agent pursuant to the execution of the power of attorney document had dealt with the Survey No.100/3 to an extent of 22 cents and he has also registered a sale deed on 12.05.2008, which was registered on the file of the respondent.

2. The grievance of the petitioner is that even though the Power Agent has not dealt with the property in Survey No.100/4, in spite of the power executed in his favour, when the petitioner checked the Encumbrance Certificate, he found that there is an entry as if the Power Agent had dealt with Survey No.100/4 also. According to the petitioner, there is an apparent mistake that had



taken place while recording the entry in the Encumbrance Certificate and instead of recording the actual sale that had taken place, the respondent has taken into consideration the power of attorney document and thereby both the survey numbers were mentioned in the entries found in the Encumbrance Certificate.

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3. The petitioner, therefore, made a representation to the respondent on 18.05.2021 in order to rectify this mistake and to remove the entry made insofar as the subject property is concerned. Since the same was not acted upon by the respondent, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.D.Senthil, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Government Advocate (Civil) appearing for the respondent.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the respondent to consider the representation made by the petitioner on 18.05.2021 and deal with the same on its own merits and in accordance with law and take a decision with regard to the deletion of the entry made in the Encumbrance Certificate as sought for by the petitioner within a period of four (04) weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation along with all the relevant documents and also a copy of this order.

7. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

NOTE:

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  
The Sub Registrar,  
Office of Registration,  
Sindupatti,  
Madurai District.

+1 CC to Mr. Special Government Pleader, SR.No. 19651

**Order made in**  
**W.P. (MD) .No.10171 of 2021**  
**Dated : 17.06.2021**

mj (CO)  
TR(24.06.2021) 3P 3C