



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD)No.13392 of 2021

Bhuvaneshwari

... Petitioner

Vs.

1.The District Collector,
District collector Office,
Dindigul District.

2.The District Registrar,
Dindigul, Dindigul District.

3.The Sub-Registrar,
Kannivadi Sub Registrar Office,
Dindigul.

4.Boodhan Board,
District Collector Office Campus,
Dindigul.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to make necessary correction in Encumbrance Certificate based on the petitioner representation within the stipulated time fixed by this Court.

For Petitioner : Mr.M.Viji
For Respondents : Mr.P.Subbaraj,
Counsel for State

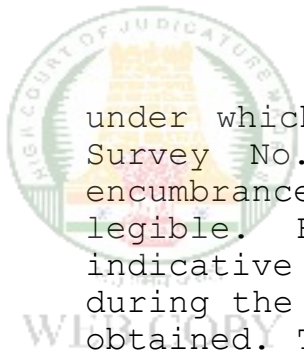
O R D E R

The petitioner seeks rectification of the encumbrance certificate insofar as it reflects the conveyance of the property bearing Survey No.629 to the Government under the Boomidhan Scheme.

2.According to the petitioner, her late father owned a property bearing Survey No.629. After selling a portion of the property to one Mr.Paramasivan in the year 1988, it is stated that the petitioner retained three acres in Survey No.629. The petitioner asserts that her father did not gift the said three acres to the Government under the Boomidhan Scheme, and that she was shocked to find such entry in the encumbrance certificate. The present writ petition is filed in these facts and circumstances.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3.

4.The petitioner has produced a copy of the partition deed



under which her father acquired the larger extent of property in Survey No.629. She has also produced a copy of the impugned encumbrance certificate. The entry in such certificate is barely legible. Besides, an entry in an encumbrance certificate is indicative of the transactions relating to the property in question during the specific period for which such encumbrance certificate is obtained. Therefore such entry cannot be annulled without examining whether any registered conveyances were effected during the relevant period. This exercise would have to be undertaken by the authorities to ascertain whether a gift deed in favour of the Government under the Boomidhan Scheme was indeed executed by the petitioner's father.

5. Subject to the above observations and without going into the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 05.07.2021 and dispose of the same by a reasoned order within a period of two months from the date of receipt of a copy of this order. Such reasoned order shall be passed after providing a reasonable opportunity to the petitioner.

6. Accordingly, W.P(MD).No.13392 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

1. The District Collector,
District collector Office,
Dindigul District.
2. The District Registrar,
Dindigul, Dindigul District.
3. The Sub-Registrar,
Kannivadi Sub Registrar Office,
Dindigul.
4. The Secretary,
Boodhan Board,
District Collector Office Campus,
Dindigul.

+1 CC to M/s.GP (SR-26055[F] dated 12/08/2021)

W.P. (MD) No.13392 of 2021

11.08.2021

RS (23.08.2021) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>