



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17745 of 2021

... Petitioner

Geetha

WEB COPY

Vs.

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

2.The District Registrar,
District Registrar Office,
Tiruchirappalli.

3.The Sub Registrar,
Office of the Sub Registrar,
Manapparai Taluk Office Complex,
Tiruchirappalli District-622 306.

...Respondents

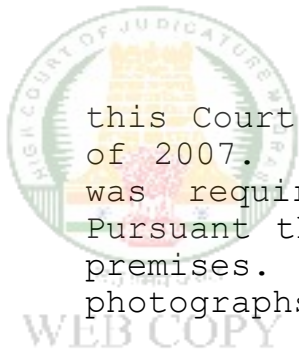
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the offending entry in the encumbrance certificate register or alternatively to add an entry stating that the said lessee has vacated the premises in survey No.212/1C2 previously it was survey No.212/1C in Vaiyampatti Village, Manapparai Taluk, Tiruchirappalli District by considering the petitioner's written representation dated 28.08.2021 or otherwise also all within the time to be framed by this Court.

For Petitioner	: Mr.P.Senthur Pandian
For Respondents	: Mr.P.Subbaraj
	Counsel for State

ORDER

The petitioner seeks a direction to the second and third respondents to remove the entry relating to the lease of the property bearing S.No.212/1C2, Vaiyampatti Village, Manapparai Taluk, Tiruchirappalli District, from the encumbrance certificate relating to such property.

2.The petitioner states that she is the owner of a parcel of land of an extent of 82 cents in the above mentioned survey number. She asserts that a patta has been issued under Patta No.1905 in her favour. It is stated that the said property was let out on lease to Akarur Educational Trust. In view of the refusal of the lessee to vacate the lease premises after the expiry of the lease period, the petitioner filed O.S.No.343 of 2006 on the file of the Sub Court, Tiruchirappalli. Subsequently, proceedings were instituted before



this Court and a judgment dated 10.12.2007 was issued in W.A.No.696 of 2007. In terms thereof, the petitioner states that the lessee was required to vacate the property on or before 31.12.2008. Pursuant thereto, the petitioner states that the lessee vacated the premises. As evidence thereof, the petitioner relies upon photographs of the property.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the registration authorities would initiate action if both parties to the relevant document approach the registration authorities for deletion of the entry in the encumbrance certificate.

4.On the other hand, learned counsel for the petitioner points out that the lessee has vacated the property and, therefore, may not be willing to come to the Sub Registrar's Office in connection with the deletion of the relevant entry. In the alternative, he submits that the judgment of the Division Bench of this Court in W.A.No.696 of 2007 may be registered.

5.Registration authorities are concerned with documents presented for registration by parties. Consequently, such registration authorities cannot record that the lessee of a premises has vacated such premises, whether on the basis of photographs or otherwise. However, it is open to the petitioner to present a copy of the judgment in W.A.No.696 of 2007 for registration thereof. In the alternative, it is also open to the petitioner to seek cancellation jointly with such lessee. In any event, the petitioner has submitted a representation seeking deletion. Therefore, the respondents should consider and dispose of such representation.

6.Subject to the above observations but without entering any findings on the merits, the second and third respondents are directed to consider the petitioner's representation dated 28.08.2021 and dispose of the same after taking into account the observations set out above. Such representation shall be disposed of within a period of two (2) months from the date of receipt of a copy of this order.

7.W.P.(MD).No.17745 of 2021 is disposed of on these terms without any order as to costs.

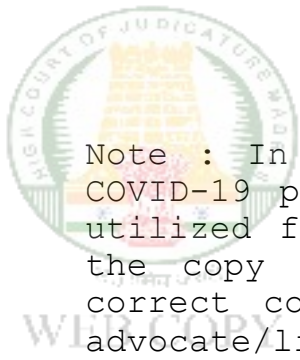
Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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

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

2.The District Registrar,
District Registrar Office,
Tiruchirappalli.

3.The Sub Registrar,
Office of the Sub Registrar,
Manapparai Taluk Office Complex,
Tiruchirappalli District-622 306.

+1 CC to M/s.K.KUMARAVEL, Advocate (SR-30929[F] dated 01/10/2021)

+1 CC to M/s.SPL.GP (SR-31012[F] dated 04/10/2021)

W.P (MD) .No.17745 of 2021
01.10.2021

NSN (CO)
KB (08.10.2021) 3P 6C