



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19224 of 2021

C.Subramaniam

...Petitioner

Vs.

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Sub-Registrar,
Eraniel, Neyoor Post,
Kanyakumari District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to dispose of the representations of the petitioner dated 13.08.2019 and 30.03.2021 expeditiously.

For Petitioner

: Mr.C.Godwin

For Respondents

: Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks consideration of representations dated 13.08.2019 and 30.03.2021 for the effacement of an encumbrance entry relating to a lease executed by and between the petitioner and the Government.

2.According to the petitioner, he is the owner of the land bearing Re-survey No.638/10 at Kakkottuthalai Village, Kalkulam Taluk. A lease deed was entered into in respect thereof by a document bearing No.491 of 2002. The said lease related to sand mining from the said property. The lease period extended from 26.12.2001 from 25.12.2002. Upon expiry of the lease period, it is stated that the District Collector issued a communication dated 09.10.2006 indicating that the lease period ended on 25.12.2002. In spite of the expiry of the lease period, it is stated that the encumbrance certificate reflects the lease deed. Therefore, the petitioner submitted representations seeking action for the effacement of the encumbrance entry. The present writ petition is filed in such regard.



3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for both the respondent. He submits that the first respondent may be directed to consider and dispose of the representations on merits.

4.The petitioner has enclosed the communication dated 09.10.2006 from the District Collector. Such communication indicates that the lease period ended on 25.12.2002. As such, the petitioner has made out a case for the consideration of his representations.

5.Accordingly, W.P.(MD)No.19224 of 2021 is disposed of by directing the first respondent to consider the petitioner's representations dated 13.08.2019 and 30.03.2021 and dispose of the same by a reasoned communication within a period of three (3) months from the date of receipt of a copy of this order. However, there will be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 District Collector,
Kanyakumari District at Nagercoil.

2.The Sub-Registrar,
Eraniel, Neyoor Post,
Kanyakumari District.

+1 CC to M/s.C.GODWIN, Advocate (SR-33253[F] dated 29/10/2021)

+1 CC to M/s.SPL.GP (SR-33358[F] dated 01/11/2021)

W.P(MD).No.19224 of 2021
29.10.2021

MGJ/PM(18.11.2021) 2P 5C

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