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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1992 of 2022

G.Gilbert Rajkumar

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai.

2. The District Collector,
Coimbatore District,
Coimbatore.

3. The District Registrar,
Coimbatore District,
Coimbatore.

4. The Sub Registrar,
Pollachi,
Coimbatore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to quash the impugned order passed by the 4th respondent dated 30.12.2021 and thereby directed the 4th respondent to register the receipt issued by the 2nd respondent dated 04.03.1997.

For Petitioner : Mr.C.Veeraraghavan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of writ of certiorari to quash the impugned order passed by the 4th respondent dated 30.12.2021 and direct the 4th respondent to register the receipt issued by the 2nd respondent dated 04.03.1997.



2. The petitioner is the absolute owner of the property situated in Plot NO.41, Jothi Nagar 'B' Colony, Pollachi Town, Coimbatore District, to an extent of 4569 sq.ft from the Pollachi Co-Operative House Construction Society Ltd. For the purchase and construction of the house, the petitioner has availed loan from the 2nd respondent for a sum of Rs.1,00,000/- and afterwards, the petitioner has repaid the loan on 03.02.1997 from the 2nd respondent and thereafter as per the instruction of the 2nd respondent, the 4th respondent has cancelled the endorsement reflected in the encumbrance certificate and the original sale deed was also returned. While being so, in order to sell the property, the petitioner has applied encumbrance certificate at the office of the 4th respondent on 09.12.2021. When it was verified, the petitioner was shocked about the reflection of the mortgage with the 2nd respondent. Hence, he approached the 4th respondent about the entries made in the encumbrance certificate, however they are not responding to the same. Thereafter, the petitioner made an application to the 4th respondent along with necessary documents to register the receipt once again and the 4th respondent rejected his application to register the receipt issued by the 2nd respondent to delete the entries made in the encumbrance certificate by an order dated 30.12.2021, which is impugned in this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the Registrar have power to reject the documents only based on Section 71 and 76 of the Registration Act, however, the reasons assigned by the 4th respondent is not in consonance with the reasons assigned in the said Act and hence prays allowing of this petition.

4. The learned Special Government Pleader appearing for the official respondents submitted that if the petitioner reproduce the documents, the same will be entertained in the manner known to law.

5. In view of the consent view expressed by the respective learned counsel on either sides, this Court grants liberty to the petitioner to reproduce the documents on the file of the 4th respondent, who upon receipt of the same, is directed to entertain the documents and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



6. The Writ Petition is disposed of with the above observations. No costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The District Collector,
Coimbatore District,
Coimbatore.
3. The District Registrar,
Coimbatore District,
Coimbatore.
4. The Sub Registrar,
Pollachi,
Coimbatore District.

+lcc to Mr.C.Veeraraghavan, Advocate, S.R.No.8608
+lcc to the Government Pleader, S.R.No.9233

W.P.No.1992 of 2022

MT[co]
NSK 17/03/2022