



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5862 OF 2022

M/s.Ayanavaram Educational Trust
Rep. by its Chairman
Mr.K.Moosa

... Petitioner

Vs.

1. The Sub-Registrar Officer,
GST Road, Jaibeemnagar,
Guduvanchery,
Tamil Nadu - 603 202.

2. The Joint Director,
Enforcement Directorate,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to delete the entries in the encumbrance certificate with respect to S.No.35/1A, 37/15, 37/17, 37/18, 37/6C1, 37/6E, in Vellerithangal Village, Sriperumbudur Taluk, Kacheepuram District.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the first respondent to delete the entries in the encumbrance certificate with respect to S.No.35/1A, 37/15, 37/17, 37/18, 37/6C1, 37/6E, in Vellerithangal Village, Sriperumbudur Taluk, Kacheepuram District.

2.The case of the petitioner is that the petitioner Trust was formed on 10.11.1989 with an object of establishment of educational institutions. Accordingly, Danish Ahmed College of Engineering was established in the year 2002. Recently during routine check, it was found that certain entries were made to the encumbrance certificate of the lands belonging to the petitioner Trust. The second respondent placed an order of attachment against one M/s.Deendayal Trust and the entries of the same appear in the encumbrance certificate with respect to the lands that belong to the petitioner Trust. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that inorder to remove the wrong entries in the encumbrance certificate, the petitioner made representation dated 05.01.2022 to the second respondent, however, the same has not yet been considered. Hence, this Court may issue direction to the first respondent to consider the petitioner's representation dated 05.01.2022 for deletion of entries in the encumbrance certificate and to pass appropriate orders within a reasonable time frame.

4.Considering the limited request made by the learned counsel appearing for the petitioner, this Court directs the first respondent to consider the petitioner's representation dated 05.01.2022 on merits and in accordance with law and to pass appropriate orders, after providing opportunity to the aggrieved persons, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

5.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Registrar Officer,
GST Road, Jaibeemnagar,
Guduvanchery,
Tamil Nadu - 603 202.

2. The Joint Director,
Enforcement Directorate,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

+1cc to M/s.V.Raghavachari, Advocate, S.R.No.20064

+1cc to the Special Government Pleader, S.R.No.20598

W.P.No.5862 of 2022

SKM(CO)
RLP(08/04/2022)