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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.11572 of 2021

V.Rajasekaran

...Petitioner

Vs

1. The Inspector General of Registration,
Santhome High Road,
Mylapore,
Chennai 600 004
 2. The District Registrar(Administration),
Combined Commercial Tax and Registration Department Building,
Ground Floor, Veterinary Hospital Road,
Fanpet,Nandanam,
Chennai-35
 3. The Sub Registrar,
Office of the Sub Registrar,
Guduvanchery,
Chennai 600 202
- ...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to strike off and to cancel the sale deed dated 22.12.2006 bearing document No.15685 of 2006 on the file of Sub Registrar Office, Guduvanchery and delete the entry in the Encumbrance Certificate.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition is filed for direction directing the respondents to strike off and to cancel the sale deed dated 22.12.2006 bearing document No.15685 of 2006 on the file of Sub Registrar Office, Guduvanchery and delete the entry in the Encumbrance Certificate.



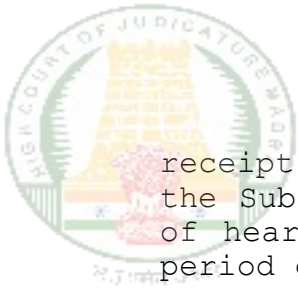
2. The grievance of the petitioner is that one Central Government Staff Housing Welfare Society, constituted for the purpose of providing house plots at reasonable price to its members, who are all Central Government staff. The petitioner purchased the house site from the said Society on 23.11.2006, which has been registered under document No.13931 of 2006 on the file of the third respondent Sub Registrar. Thereafter, inadvertently, once again another sale deed was executed by the Society in favour of the petitioner on 22.12.2006, and the same was registered under document No.15685 of 2006. As two sale deeds have been registered in respect of the very same property, the petitioner approached the third respondent by way of a representation to delete the entry in respect of the document No.15685 of 2006, dated 22.12.2006. As the said representation has not been considered, the petitioner has filed the present writ petition.

3. Mr.R.Rajaraman, learned counsel appearing for the petitioner submitted that the Society registered the sale deed on 23.11.2006 and thereafter inadvertently registered another sale deed on 22.12.2006 in favour of the petitioner. Therefore, two entries exist in the Sub Registrar office and the petitioner only wants one entry to be deleted and that was not considered by the third respondent Sub Registrar.

4. Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents, on instructions, submitted that even though two documents have been registered in respect of the same property, the Sub Registrar has no power to delete any entry. Hence the prayer sought for by the petitioner cannot be complied with. However, the learned Special Government Pleader fairly submitted that the Sub Registrar can conduct an enquiry and make an endorsement in the Register with regard to one of the documents as not acted upon and the petitioner may be directed to file appropriate application in this regard.

5. Heard, Mr.R.Rajaraman, the learned counsel for the petitioner and Mr.Yogesh Kannadasan, Special Government Pleader appearing for the respondents.

6. As rightly contended by the learned Special Government Pleader, there is no power for the Sub Registrar to cancel any endorsement made in the register regarding a document already registered. As stated by the learned Special Government Pleader, the Registrar can only look into the document and make such endorsement that the particular document cannot be acted upon. In such circumstances, the petitioner may approach the third respondent with appropriate application seeking for appropriate relief within a period of two weeks from the date of



receipt of a copy of this order and on filing such application, the Sub Registrar shall conduct an enquiry by giving opportunity of hearing to the petitioner and pass suitable orders within a period of four weeks thereafter.

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7. With the above directions, the writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai 600 004
2. The District Registrar(Administration),
Combined Commercial Tax and Registration Department Building,
Ground Floor, Veterinary Hospital Road,
Fanpet, Nandanam, Chennai-35
3. The Sub Registrar,
Office of the Sub Registrar,
Guduvanchery, Chennai 600 202.

+1cc to Mr.D.Rajasekar, Advocate, S.R.No.5340

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SJ[co]
NSK 09/02/2022