



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.9220 of 2022

N.Magesh

...Petitioner

Versus

1.The District Registrar of Registration,
Chengalpattu District,
Chengalpattu

2.The Joint Sub Registrar - II-Ni
Sub Registrar Office,
Chengalpattu Taluk,
Chengalpattu District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 2nd respondent to delete the relevant entries of the lease deed vide Doc. No.4931/2014 dated 25.03.2014 including the entry of encumbrance.

For Petitioner : Mr.D. Murthy

For Respondents : Mr.Yogesh Kannadasan,
Spl. Govt. Pleader

ORDER

This writ petition has been filed for a direction to the 2nd respondent to delete the relevant entries of the lease deed vide Doc. No.4931/2014 dated 25.03.2014 including the entry of encumbrance.

2. It is the case of the petitioner that the property comprised in Survey No.18/10-A-0.10 cents and in Survey No.15/2-0.37 cents originally belonged to his father Narendran and he had purchased it from one Selvaraj through a registered sale deed dated 09.10.1985. Thereafter, his father permitted him to run a timber business in the name of "Sakthi Timbers" in the said premises. Subsequently, he executed a registered lease deed dated 25.03.2014 and later, his father during his life time, executed a registered Will dated 25.09.2017 and thereby certain properties are vested in favour of the petitioner. While so, after the demise of his father on 09.08.2019, he became the owner of certain properties, which



were leased out to him. However, entries reflected in the encumbrance certificate during the time of registering the lease deed by his father, have not been deleted. Hence, he submitted a representation, dated 16.03.2022 to the 2nd respondent to delete the relevant entries, with regard to such encumbrance. Since, the representation submitted by the petitioner has not been considered by the respondents till date, this writ petition has been filed with the aforesaid prayer.

3. Learned counsel for the petitioner submits that in the subject lease deed, the petitioner is the lessee and the petitioner's father is the lessor. Subsequent to the death of petitioner's father, the petitioner made a representation to the respondents to delete certain entries in the lease deed which has not been responded. Hence, he prays that this Court may issue direction to the 2nd respondent to consider the petitioner's representation, within a time frame that may be fixed by this Court as the petitioner is the party to the said lease deed.

4. Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for respondents, has no objection to grant the relief as sought for by the petitioner. Further, he submits that this Court may direct the petitioner to approach the 2nd respondent in the above regard along with other supporting documents i.e., Legal Heirship certificate and an affidavit.

5. Considering the facts and circumstances, without going into the merits of the case, the petitioner is directed to approach the 2nd respondent and submit a copy of the said representation as well as Legal Heirship certificate and an Affidavit, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the 2nd respondent is directed to consider the petitioner's representation, if it is otherwise in order, within a period of twelve weeks thereafter.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The District Registrar of Registration,
<https://hcservices.ecourts.gov.in/hcservices/>
Chengalpattu District,
Chengalpattu.



2.The Joint Sub Registrar - II-Ni
Sub Registrar Office,
Chengalpattu Taluk,
Chengalpattu District.

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+1cc to Mr.D.Murthy, Advocate SR. No. 26814
+1cc to Government Pleader SR. Nos. 28143, 27559

W.P. No.9220 of 2022

GP (CO)
PR (26/05/2022)