



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.9469 of 2022

K.L.Gnaneshwara Rao

...Petitioner

Vs.

1. The Inspector General of Registration
Office of the Registration Department,
No.100, Santhome Road,
Mulima Nagar,
Mandaivelipakkam,
Raja Annamalaipuram,
Chennai 600 028.
2. The District Registrar of South Chennai
Registration Department,
Integrated Building for the Commercial
Taxes and Registration
Department Fanepet, Nandanam,
Chennai 600 035.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to enquire into the matter and investigate the same and to delete all unnecessary wrong entries made in the encumbrance certificate such as "Thiru.A.V.Gnaneswara Rao has conveyed the said property to Tmt.Vijayalakshmi and Thiru. Madhavan bearing Doc.No13/2012 dated 09.10.2012 for a sale consideration of Rs.72,000/-" and Court order of "Additional Subordinate Judge of Chengalpattu D.No.613/2012, dated 30.04.2012 OS.No.208/10 order dated 28.09.2012 bearing Doc.No.10620/2005 (Declared Null and Void)" found in the encumbrance certificate for the period from 11.08.1986 to 28.02.2022 and to punish the above said persons namely Vijayalakshmi and Madhavan for their illegal act based on petitioner's representation dated 28.03.2022 to the first respondent, related to the petitioner's property in Alamelumangapuram Layout in 25, Murugamangalam Village, within the limits of Kattankulathur Panchayat Union, Registration



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District of South Chennai and Sub Registration District of Tambaram to an extent of 4800 sq.ft bearing Survey No.47/1.

For Petitioner : M/S.N.Suresh

For Respondents : Mr.Yogesh Kannadasan

Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to enquire into the matter and investigate the same and to delete all unnecessary wrong entries made in the Encumbrance Certificate, such as "Thiru.A.V.Ganeswara Rao has conveyed the said property to Tmt.Vijayalakshmi and Thiru. Madhavan bearing Doc.No13/2012 dated 09.10.2012 for a sale consideration of Rs.72,000/-" and Court order of "Additional Subordinate Judge of Chengalpattu D.No.613/2012, dated 30.04.2012 OS.No.208/10 order dated 28.09.2012 bearing Doc.No.10620/2005 (Declared Null and Void)" found in the Encumbrance Certificate for the period from 11.08.1986 to 28.02.2022 and to punish the above said persons, namely Vijayalakshmi and Madhavan for their illegal act based on the petitioner's representation dated 28.03.2022 to the first respondent, relating to the petitioner's property in Alamelumangapuram Layout in 25, Murugamangalam Village, within the limits of Kattankulathur Panchayat Union, Registration District of South Chennai and Sub Registration District of Tambaram to an extent of 4800 sq.ft bearing Survey No.47/1.

2. The case of the petitioner is that the petitioner had purchased the aforesaid property from one Thiru.P.N.Ramakrishnan, and the same was registered under Document No.2491/1979 dated 26.06.1979, on the file of Sub Registrar Office, Tambaram. Thereafter, he is in absolute possession and enjoyment of the same. Further, the petitioner approached the Bank for loan with an intention to construct a house in the aforesaid property, for which, the Bank asked the petitioner to produce Encumbrance Certificate to enable him to apply for Bank loan. Therefore, the petitioner had applied for Encumbrance Certificate for a period from 11.08.1986 to 28.02.2022 and the petitioner had obtained the Encumbrance Certificate. The petitioner came to know that some wrong entries are made in the said Certificate, which are not at all related to him and his property. The entries are "Thiru.A.V.Ganeswara Rao has conveyed the said property to Tmt.Vijayalakshmi and Thiru. Madhavan bearing Doc.No13/2012 dated 09.10.2012 for a sale consideration of Rs.72,000/-" and Court order of



"Additional Subordinate Judge of Chengalpattu D.No.613/2012, dated 30.04.2012 OS.No.208/10 order dated 28.09.2012 bearing Doc.No.10620/2005 (Declared Null and Void)". Therefore, the petitioner has made a representation dated 28.03.2022 before the respondents, seeking to investigate the matter and delete all the wrong entries made in the Encumbrance Certificate in terms of Section 68(2) of the Registration Act. As the said representation made by the petitioner has evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the second respondent to consider the petitioner's representation dated 28.03.2022 in terms of Section 68(2) of the said Act and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents submitted that the petitioner has made a representation against Tmt.Vijayalakshmi and Thiru.Madhavan and they are not added as party in this Writ Petition and after issuing notice to those persons, the second respondent may consider and dispose of the said representation.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's representation dated 28.03.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to Tmt.Vijayalakshmi and Thiru.Madhavan and other aggrieved persons, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jd/rap



To

1. The Inspector General of Registration
Office of the Registration Department,
No.100, Santhome Road,
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Integrated Building for the Commercial
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Chennai 600 035.

+4 CCS to Mr.N.Suresh, Advocate sr 26931.

+1 CC to The Government Pleader sr 27310.

W.P. No.9469 of 2022

RSI (CO)
SP(05/05/2022)