



W.P.No.21606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21606 of 2022

D.Prakash Devi

... Petitioner

vs.

1. The District Registrar (admin)
Chengalpattu District.

2. The Sub Registrar,
Sub Registrar Office,
Thirukalukundram,
Chengalpattu District.

3. The Tahsildar,
Chengalpattu,
Chengalpattu District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to removal of wrong entry in encumbrance certificate in survey No.148/11B2 of Magalam Village, Thirukazhukundram Taluk, Chengalpattu District. Considering the petitioner representation dated 15.07.2021.



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For Petitioner : Mr.T.Balachandran
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to consider the petitioner's representation dated 15.07.2021 seeking removal of wrong entries in encumbrance certificate in survey No.148/11B2 of Magalam Village, Thirukazhukundram Taluk, Chengalpattu District within the time frame stipulated by this Court.

2. It is the case of the petitioner that she purchased the property bearing S.No.148/11B in the year 2006 of an extent of 1.52 acres situated in Mangalam Village, Chengalput Taluk, Chengalput District from the legal heirs of Boopathynayakar namely Pattammal and five others. Thereafter, the Revenue Records were mutated in favour of the petitioner. Prior to the said purchase, the petitioner came to know that two forged documents were executed during the year 1994 and 1998 as if one Samidas registered a forged document in Document No.1391 of 1994 and subsequently in the



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year 1998, the said Samidas executed a sale deed in favour of Chennai

Immanuvel prayer house trust vide Document No.1396 of 1998. Hence the petitioner made a representation dated 15.07.2021 before the first respondent seeking removal of wrong entries made in the encumbrance certificate. Since no action has been taken by the first respondent, the present Writ Petition has been filed seeking the aforesaid relief.

3. The learned counsel for the petitioner submits that it would suffice, if this Court issues a direction to the respondents to consider the petitioner's representation dated 15.07.2021 and pass appropriate orders within a time frame fixed by this Court.

4. Learned Special Government Pleader appearing for respondents submitted that he has no objection for the said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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6. However, on a perusal of the entire records reveals that, the petitioner purchased the subject property from the legal heirs of one Boopathynayakar namely Pattamal and five others. Seeking to remove the entries made in the Encumbrance Certificate during the year 1994 and 1998, the petitioner made a representation dated 26.07.2021. Though the petitioner obtained patta in her favour, the patta will not confer her title substantiating that she is the owner of the subject property. However, the said entries were incorporated in the encumbrance certificate prior to the purchase of the petitioner, thus she has no right to delete the entries made in the encumbrance certificate.

7. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to work out her remedy in the manner known to law. No costs.

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RAP

Index : Yes/No
Speaking order : Yes/No



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To:

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M.DHANDAPANI, J.

RAP



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