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W.P. No. 24466 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No. 24466 of 2022

R.Raja

... Petitioner

-VS-

1. The Sub Registrar,
Sub Registrar Office,
Marandahalli,
Palacode Taluk,
Dharmapuri District.

2. The Cholamandalam Investment and
Finance Company Ltd.,
Dare House, 2 NSC Bose Road,
Parrys, Chennai-1.
(R2 impleaded vide order dated
19.09.2022 made in WMP.No.24241 of
2022 in W.P.no.24466/2022 by this Court)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the Respondent to cancel the entry made in the encumbrance certificate in respect of the sale deed dated 09.07.2010 registered as Document No.1436 / 2010 on the file of the Respondent based on the representation dated 06.08.2020.

For Petitioner : Mr. N.Desinghu

For Respondents : Mr. C.Kathiravan, SGP R1
Mr.K.B.Vivekanandhan R2



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ORDER

This writ petition has been filed seeking a direction to the Respondent to cancel the entry made in the encumbrance certificate in respect of the sale deed dated 09.07.2010 registered as Document No.1436 / 2010 on the file of the Respondent based on the representation dated 06.08.2020.

2. It is the case of the petitioner that the petitioner is the absolute owner of the and in New S.No.105/2C ad-measuring an extent of 1312.5 Sq.ft. equaling 121.94 sq.mt. situated at Mahendramangalam Village registered in Palacode Sub Registrar Office and he purchased the aforesaid immovable property from one Periyasamy by way of registered sale deed which was registered as document No.1436/2010 dated 09.07.2010. The petitioner is in possession and enjoyment of the property from the date of purchase. For buying a tractor, the petitioner availed loan from Cholamandalam Investment and Finance company Ltd., for a sum of Rs.18 Lakhs. The petitioner has also paid monthly EMI amount and subsequently, due to pandemic, the petitioner did not paid loan amount in the pandemic period. Hence, the above said Finance Company initiate Arbitration proceedings and the subject properties were attached to the finance company and the same was reflected in the Encumbrance Certificate. In the year 2020, the petitioner paid full and final



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settlement to the above said Finance company and the petitioner has made a representation to the first respondent to cancel the name of the Cholamandalam Investment and Finance Company Ltd., in the Encumbrance Certificate, but the respondent has not taken any steps so far. Hence, the petitioner has filed the present writ petition before this Court seeking an appropriate remedy.

3. Learned Counsel for the Petitioner submitted that this Court may issue a direction to the first respondent to consider the petitioners representation dated 06.08.2020 and to remove the name of the Cholamandalam Investment and Finance Company Ltd., in the Encumbrance Certificate.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court directs the first respondent to consider the petitioner's representation dated 06.08.2020 and pass appropriate orders after providing opportunity to the petitioner as well as the second respondent on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, if there is no legal



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impediment.

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6. With the above directions, the writ petition is disposed of. No costs.

10.11.2022

Rli

Index: Yes/No

To

The Sub Registrar,
Sub Registrar Office,
Marandahalli,
Palacode Taluk,
Dharmapuri District.



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M.DHANDAPANI, J.

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10.11.2022