



WP.No.29814 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.29814 of 2022

N.Venkatachalam

.. Petitioner

Versus

1.The District Registrar
Office of the District Registrar
Coimbatore – 641 018

2.The Sub Registrar
Office of the Sub-Registrar – Sulur
Sulur
Coimbatore

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the second respondent to remove the entry viz., Document No.7715 of 2022 dated 10.05.2022 from the encumbrance certification relation to the petitioner's properties situated in S.No.178/1A, 178/2 & 97/4 Ichipatti Village, Palladam Taluk, Tiruppur District based on the representation dated 18.06.2022.

For Petitioner : Mr.M.R.Thangavel

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This petition has been filed seeking to direct the second respondent to remove the entry viz., Document No.7715 of 2022 dated 10.05.2022 from the



WP.No.29814 of 2022

encumbrance certification relation to the petitioner's properties situated in S.No.178/1A, 178/2 & 97/4 Ichipatti Village, Palladam Taluk, Tiruppur District based on the representation dated 18.06.2022.

2. The case of the petitioner is that the petitioner father's namely Nachimuthu Gounder entered into a deed of partition over the ancestral properties vide Doc.No.891 of 1949. Further, the petitioner's father settled the properties in favour of the petitioner in S.No.178/1A, 178/2 & 97/4, Ichipatti Village, Palladam Taluk, Tiruppur District vide two settlement deeds in 1584 & 1585 of 2001 on the file of the second respondent. However, the petitioner's sister filed a suit for partition in OS.No.467 of 2007, which was dismissed and an appeal was preferred in A.S.No.18 of 2017, which was partly allowed in respect of one acre in S.No.181/1, Ichipatti Village, Palladam Taluk, Tiruppur District vide Order dated 17.03.2021, which was subsequently presented before the second respondent and it was registered vide Doc.No.7715 of 2022, based on the directions of this Court vide Order dated 20.01.2022 in W.P.No.582 of 2022 for the S.Nos.178/1A, 178/2 & 97/4 Ichipatti Village, Palladam Taluk, Tiruppur District, which was not the subject matter of the above decree. Aggrieved, the petitioner made representations before the respondents on 11.06.2022 and 18.06.2022 seeking for rectification of error,



WP.No.29814 of 2022

the second respondent vide communication dated 18.06.2022 in Na.Ka.No.393/2022 stated that the SRO has no power to remove the entry and directed the petitioner to approach the first respondent which is pending till date. Hence, this petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the representation of the petitioner dated 11.06.2022 and pass appropriate orders in accordance with law.

4. The learned Additional Government Pleader has no objection for the said order being passed.

5. Considering the limited relief as sought for by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, issues direction to the first respondent to consider the representation of the petitioner dated 11.06.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.



WEB COPY



WP.No.29814 of 2022

M.DHANDAPANI, J.

dhk

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

10.11.2022

Index: Yes/No

Internet: Yes/No

To

1.The District Registrar
Office of the District Registrar
Coimbatore – 641 018

2.The Sub Registrar
Office of the Sub-Registrar – Sulur
Sulur
Coimbatore

WP.No.29814 of 2022