



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2458 of 2022

Dr.V.Roja

... Petitioner

Vs.

1.The District Registrar,
Registration Department, Karaikudi.

2.The Sub Registrar Joint No.I,
Karaikudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to complete the enquiry initiated by the first respondent in Na.Ka.No.3088/A1/2021-2 dated 08.12.2021 within the time stipulated by this Court.

For Petitioner	: Mr.AL.Kannan for Mr.VR.Shanmuganathan
For Respondents	: Mr.J.John Rajadurai Government Advocate

O R D E R

This writ petition has been filed seeking for a Mandamus to direct the first respondent to complete the enquiry initiated by the first respondent on 08.12.2021 within a time frame to be fixed by this Court.

2.The petitioner has submitted an application on 14.12.2021 before the first respondent, seeking for cancellation of the encumbrance reflected in the Encumbrance Certificate on the ground that the suit though having been dismissed, thereafter partition suit was also filed.

3.According to the petitioner, the encumbrance reflected in the Encumbrance Certificate was recorded in the records of the respondents only after 11 years in the year 2019. In such circumstances, she has submitted the application dated 14.12.2021 seeking for removal of the said encumbrance. Since the said application has not been considered till date, though the first respondent has initiated the proceedings and called the petitioner for enquiry on 08.12.2021, this writ petition has been filed seeking for early disposal of the petitioner's application within a time frame to be fixed by this Court.

4.Heard Mr.AL.Kannan, learned counsel for the petitioner and



Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents.

5.On instructions, learned Government Advocate for the respondents would submit that only based on the order passed by a Division Bench of this Court, dated 07.02.2019 in W.A.No.336 of 2019, the Registration Department is entertaining the applications for recording the encumbrance even after a long delay. Therefore, according to him, the encumbrance reflected in the year 2019 is not beyond the prescribed period. However, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representation, dated 02.09.2021 is considered on merits and in accordance with law.

6.After hearing the submissions made by the respective counsels, this Court directs the first respondent to complete the enquiry with regard to the proceedings in Na.Ka.No.3088/A1/2021-2, dated 08.12.2021, in respect of the applications submitted by the petitioner seeking for cancellation of the encumbrance reflected in the Encumbrance Certificate of the year 2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording sufficient opportunity to the petitioner to put forth his contentions.

7.With the aforesaid directions, this writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Registrar,
Registration Department,
Karaikudi.

2.The Sub Registrar Joint No.I, Karaikudi.

+1 CC to M/s.SPL GP (SR-4734[F] dated 08/02/2022)

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-4942[F] dated
09/02/2022)

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SB(CO)

TR(17.02.2022) 2P 5C

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