



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6975 of 2022

N.Sankar Ramanathan

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
Santhome, Chennai.

2.The District Registrar,
District Registrar Office,
Sivagangai District.

3.The Sub Registrar,
Sub Registrar Office,
Mathagupatti,
Sivagangai District.

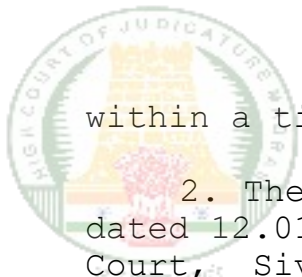
...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.2 and 3 to remove the entry of cancellation Document No.369 of 2012 made in the encumbrance certificate of the petitioner's property situated in Survey No.176/1, Piravallur Village, Okkur Group, Mathagupatti, Sivagangai District in light of judgment and decree made in O.S.No.111 of 2015 dated 12.01.2018 before the District Munsif Court, Sivagangai by considering the petitioner's representation dated 27.01.2022 within time stipulated by this Court.

For Petitioner	:	Mr.R.Anandharaj for Mr.KR.Bharathi Kannan
For Respondents	:	Mr.J.John Rajadurai, Government Advocate.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 3 to remove the entry of cancellation in the encumbrance certificate registered as Document No.369 of 2012 pertaining to the property comprised in Survey No.176/1 situated at Piravallur Village, Okkur Group, Mathagupatti, Sivagangai District in the light of the judgment and decree passed in O.S.No.111 of 2015 by the District Munsif Court, Sivagangai on 12.01.2018, based on the petitioner's representation dated 27.01.2022



within a time frame to be fixed by this Court.

2. The case of the petitioner is that under a compromise decree dated 12.01.2018 passed in O.S.No.111 of 2015 by the District Munsif Court, Sivagangai, the cancellation of the sale deed bearing Document No.369 of 2012 registered with the third respondent has been cancelled. However, the same is still reflected in the encumbrance certificate. In such circumstances, the petitioner has given a representation on 27.01.2022 to remove the said encumbrance. Since the said representation has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.R.Anandharaj, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents.

4. Mr.J.John Rajadurai, learned Government Advocate, on instructions, would submit that though the representation of the petitioner dated 27.01.2022 was acted upon by the third respondent, only due to the non-cooperation of the parties, no final orders have been passed till date.

5. Learned counsel for the petitioner would now submit that the petitioner is willing to co-operate with the third respondent in the enquiry proceedings to be conducted by the third respondent. The said statement is recorded.

6. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law. The petitioner claims that under a compromise decree dated 12.01.2018 passed by the District Munsif Court, Sivagangai in O.S.No.111 of 2015, the cancellation of the sale deed bearing Document No.369 of 2012 which is reflected in the encumbrance certificate has been cancelled. He seeks for removal of the said encumbrance.

7. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 27.01.2022 seeking for removal of the entry of cancellation of the document bearing Document No.369 of 2012 in the encumbrance certificate in respect of the property comprised in Survey No.176/1 situated at Piravallur Village, Okkur Group, Mathagupatti, Sivagangai District in the light of the judgment and decree dated 12.01.2018 passed in O.S.No.111 of 2015 by the District Munsif Court, Sivagangai and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the third respondent deems fit to enquire, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

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Sub Assistant Registrar(CS)

Lm

To

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
Santhome,
Chennai.

2.The District Registrar,
District Registrar Office,
Sivagangai District.

3.The Sub Registrar,
Sub Registrar Office,
Mathagupatti,
Sivagangai District.

+1 CC to M/s.SPL.GP. (SR-18951[F] dated 18/04/2022)

W.P. (MD) .No.6975 of 2022
13.04.2022

AM(CO)

KB(28.04.2022) 3P 5C