



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.7443 of 2022

S.Kanagasabapathi

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul,
Dindigul District.

2.The Sub-Registrar,
Registrar Office,
Senthurai, Natham Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 31.03.2022 and to conduct enquiry to remove entry from encumbrance certificate reflecting Document No.94/97 dated 19.03.1997 within stipulated time as fixed by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.S.Shanmugavel

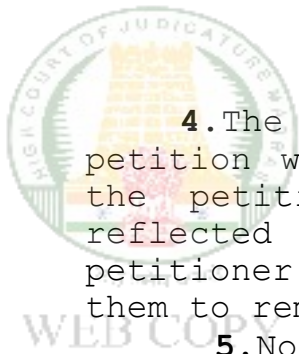
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 31.03.2022, seeking to remove the entry from the encumbrance certificate reflected in Document No.94/97 dated 19.03.1997, within a time frame to be fixed by this Court.

2.According to the petitioner, though a mortgage is reflected in the encumbrance certificate on 19.03.1997 in Document No.94/97, the petitioner's father has discharged the same and discharge receipt has also been issued on 16.04.1998. In such circumstances, the petitioner has given a representation on 31.03.2022 to the respondents to remove the encumbrance reflected in Document No.94/97 dated 19.03.1997. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.S.Sarvagan Prabhu, learned Counsel appearing for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondents.



4.The petitioner has filed documents along with this writ petition which includes the discharge receipt issued in favour of the petitioner's father in respect of the mortgage which is reflected in the encumbrance certificate referred to supra. The petitioner has given a representation to the respondents requesting them to remove the encumbrance.

5.No prejudice would be caused to the respondents if the representation of the petitioner is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a time frame to be fixed by this Court.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 31.03.2022, requesting the first respondent to remove the entry from encumbrance certificate reflecting in Document No.94/97 dated 19.03.1997 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner, one Pandiselvi as well as any other necessary party whom the first respondent deems fit to enquire, including granting them the right of personal hearing, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Registrar,
District Registrar Office,
District Collector Office Campus,
Dindigul,Dindigul District.

2.The Sub-Registrar,
Registrar Office,
Senthurai, Natham Taluk, Dindigul District.

+1 CC to M/s.S. SARVAGAN PRABHU, Advocate (SR-19850[F] dated 20/04/2022)

+1 CC to M/s.SPL.GP (SR-20088[F] dated 21/04/2022)

W.P. [MD]No.7443 of 2022

20.04.2022

MGJ(04.05.2022) 2P 5C