



W.P.(MD).No.24468 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.24468 of 2022

P.Natarajan

... Petitioner

vs.

1.The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
R.A.Puram,
Chennai 600 028.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The District Registrar,
Tirunelveli District,
Tirunelveli.

4.The Sub Registrar,
Moolakaraipatti SRO,
Nanguneri Taluk,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 21.09.2022 and to remove the entries in Document No.1 of 2022, dated 16.07.2022 in respect of property covered under S.No.492/1 in respect of the property comprised in S.No.492/1 covered under Document No.108 of 2017 which was shown in Encumbrance Certificate index as Document No.1 of 2022, dated 16.07.2022 which absolutely belong to the petitioner's son in law Mr.S.Vasanth property.

For Petitioner : Mr.B.Ayyaswamy

For Respondents : Mr.K.S.Selvaanesan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 21.09.2022 and to remove the entries in Document No.1 of 2022, dated 16.07.2022 in respect of property comprised in S.No.492/1 covered under Document No.108 of 2017, which was shown in Encumbrance Certificate Index as Document No.1 of 2022, dated 16.07.2022, which absolutely belongs to the petitioner's son-in-law Mr.S.Vasanth.



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2. The case of the petitioner is that he is the father-in-law as well as the power agent of Mr.S.Vasanth in respect of the property in S.No. 492/1 covered under Patta No.1677 of Ariyakulam Village, Nanguneri Taluk, Tirunelveli District to an extent of 2.75 Hectare. The Patta and also the revenue records stand in the name of Mr.S.Vasanth. With a view to sell the said property, the petitioner has applied for encumbrance certificate for the period from 01.01.1975 to 09.08.2022. After receiving the E.C., he was very shocked to see that in the appropriate column, it was mentioned as orders of Court 1/PACL Limited and 2.Delhi High Court. As shown in index, 5 hectares and 7 ares were attached in S.Nos. 491/2 and 492/1. Hence, the petitioner has given a representation to the respondents on 21.09.2022, to consider his representation and to remove the entries in D.No.1 of 2022, dated 16.07.2022 in respect of the property in S.No.492/1. Since the said representation has not been considered, the present writ petition has been filed.



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3. The learned Additional Government Pleader appearing for the respondents would submit that the entries in the documents are not erroneous and only as per the instructions of the Enforcement Directorate the S.Nos.491/2 and 492/1 have been attached and if the petitioner's survey numbers have been erroneously attached, he has to approach the Enforcement Directorate.

4. Considering the above said submissions, this Court is of the view that already the matter is pending before the Hon'ble Supreme Court and also a Retired Judge (Lokayukta) has been appointed for considering all the claims and hence, the petitioner is directed to approach the Enforcement Directorate with all the relevant documents and redress his grievance whether his property fell and included under the said attachment or not.

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

27.10.2022

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V.BHAVANI SUBBAROYAN,J.

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