



W.P.No.10737 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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N.Kannan

...Petitioner

Vs

1.The District Registrar,
Deed Registration Department,
Chennai Central,
No.26B Bharathi Salai,
Express Estate, Royapettah,
Chennai - 600 014.

2.The Sub-Registrar,
Deed Registration Department,
Periyamedu, Chennai.

3.D.Sureshkumar Jain

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents to delete the entries in Encumbrance Certificate against the petitioner's house property situated in Survey No.65/1, Egmore Village, Aspiran Garden 1st Street, his address about the court orders for warrant for



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attachment before Judgement in immovable property in the City Civil Court at Chennai in I.A.No.471 of 2003 in O.S.No.104 of 2003.

For Petitioner : Mr.T.V.G.Kartheeban

For R1 & R2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.T.V.G.Kartheeban, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 and 2.

2. Since this Court is directing the first respondent to consider the petitioner's fresh representation to be given, after giving due opportunity to the third respondent, notice to the third respondent is dispensed with.

3. The prayer sought for in the present Writ Petition is for a direction to the respondents 1 and 2 to delete the entries in Encumbrance Certificate against the petitioner's house property situated in Survey No.65/1, Egmore Village, Aspiran Garden 1st Street.



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4. This Court is of the view that such a claim requires to be considered by the respondents and this Court may not be justified in stepping into the shoes of the respondents to consider the same. Nevertheless, if the petitioner is granted liberty to give a fresh representation to the respondents ventilating his grievances, with a consequential direction to the respondents to consider it within a stipulated time, the ends of justice could be secured.

5. In the light of the above observation, the petitioner is granted liberty to give a fresh representation to the first respondent herein, ventilating his grievances and on receipt of the same, the first respondent shall consider it on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the third respondent herein, within a period of eight weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner herein and it is open to the concerned respondent to consider it on its own merits.



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M.S.RAMESH,J.

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6. With the above direction, this writ petition stands disposed of.

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

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To

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