



W.P.No.29780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

WP No.29780 of 2023

V.P.Udhippu

.... Petitioner

-Vs-

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai 600 028

2. The Sub Registrar,
Office of the Sub-Registrar Villivakkam,
Nulampur Registration complex,
Nulampur, Chennai 600 037.

3. D.Kandasamy

.... Respondents

Prayer :- Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the representation dated 22.07.2023, within time frame, in order to remove the entires based on the vexatious stay petition dated 05.10.2021, presented by the 3rd respondent, which citing pending civil cases and it was received and recorded by the 2nd



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respondent and the same is continuously reflected in Encumbrance certificate in respect of my Plot No.6, comprised in S.No.512, 512/B, situate at Saminatha Nagar Layout, at No.54, Korattur Village in T.S.No.214, within limits of Ward No.E-Block.

For Petitioner : Mr.S.S.Kumar
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 and R2

ORDER

This writ petition has been filed for a direction to the respondents 1 and 2 to consider the representation dated 22.07.2023, in order to remove the entires based on the vexatious stay petition dated 05.10.2021, presented by the 3rd respondent, which citing pending civil cases and it was received and recorded by the 2nd respondent and the same is continuously reflected in Encumbrance certificate in respect of the petitioner Plot No.6, comprised in S.No.512, 512/B, situated at Saminatha Nagar Layout, at No.54, Korattur Village in T.S.No.214, within limits of Ward No.E-Block.

2. The case of the petitioner is that the petitioner had



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purchased three residential plots in No.5,6 and 7 comprised in Survey No.512 and 512 B situated at Saminatha Nagar Layout at No.54, Korattur Village in TS No.214, within the limits of Ward No.E Block, No.21. Plot No.6 was purchased from one Mr.N.Shafiullah through a registered sale deed registered as Document No.3542 of 2003 dated 01.12.2003 before the Sub Registrar, Villivakkam, Chennai. Since there are civil disputes which were pending between the petitioner and the 3rd respondent , the revenue authorities had made an entry in the Encumbrance certificate as “cases are pending in respect of Plot No.6”. The petitioner in this regard had submitted a representation to the respondent on 18.05.2023 to remove the above said entry in the Encumbrance certificate. While so, the petitioner had divided plot No.6 into two parts and sold to some third parties through registered sale deeds on 30.06.2023 and 05.07.2023 but the purchasers thereof retained part of sale consideration and they undertook to pay only after the removal of entry about pending cases in the Encumbrance Certificate. The petitioner therefore had made another representation dated 22.07.2023 to the respondents. Since the same did not evoke any response, the present writ petition has been



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filed before this Court.

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3. Mr.Yogesh Kannadasan, learned Special Government Pleader submitted that there are civil disputes pending against the petitioner. The petitioner can be directed to submit all the relevant documents to prove that he has been relieved from all civil disputes, which are pending against him and thereafter, the authorities will consider his representation and pass orders.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. Considering the submissions made by the learned counsel for respondent and without going into the merits of the case, there shall be a direction to the petitioner to produce all the relevant documents to show that there is no civil disputes pending in the Court of law and on production of such documents, the respondent shall consider the petitioner's representation dated 22.07.2023 on its own merits and in



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accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ petition is disposed of with the above directions.

No costs.

13.10.2023

rka

Index : Yes/No

Internet : Yes/No

To

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
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2. The Sub Registrar,
Office of the Sub-Registrar Villivakkam,
Nulampur Registration complex,
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