



W.P.No.33810 of 2023
judgment dated 05.12.2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.12.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.33810 of 2023

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Famitha Banu

.. Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mulima Nagar, Mandavalipakkam,
Raja Annamalaipuram, Chennai-600 028.

2. The Sub-Registrar, Kodambakkam,
No.37/5, 5th Street, 100 Feet Road,
Kodambakkam, Chennai-600 024.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents herein to consider petitioner's representation dated 10.10.2023 and consequently direct the second respondent herein to remove the remarks reflected in the Encumbrance Certificate within the time limit stipulated as may be fixed by this Court.

For petitioner : Mr.C.V.Kumar

For respondents: Mr.R.P.Murugan Raja, Govt. Advocate

ORDER

This Writ Petition is filed praying for issuance of a simple Writ of Mandamus to direct the respondents herein to consider petitioner's representation dated 10.10.2023 and



W.P.No.3381 of 2022
judgment dated 05.12.2023

consequently direct the second respondent herein to remove the remarks reflected in the Encumbrance Certificate within the time limit stipulated as may be fixed by this Court.

2. It is the case of the petitioner that in the year 2019, the petitioner's mother Noorajahn Abdul Rahim had settled the property in favour of the petitioner, bearing Door No.27, 1st Street, Kamaraj Colony, Kodambakkam, Chennai-600 024 by way of settlement deed, vide Document No.2761 of 2019, dated 19.07.2019 on the file of the Sub-Registrar Office, Kodambakkam. The petitioner thus became the absolute owner of the said property and is in continuous possession of the same. The petitioner's mother, without the knowledge of the petitioner, had cancelled the settlement deed as per the Maintenance and Welfare of Parents and Senior Citizens Act, through Na.Ka.No.3890/2019/A5, dated 30.12.2020 and subsequently, on 27.06.2021, the petitioner's mother died. The petitioner being the one and only daughter of the said Noorjahan Abdul Rahim, had made representation to the respondents on 10.10.2023 to consider the grievance of the petitioner, but the respondents had not taken any steps till now to consider the said representation, dated 10.10.2023. Hence, the present Writ Petition is filed.

3. Considering the facts and circumstances of the case, this Court directs the second respondent to consider the said representation of the petitioner, after giving notice to the petitioner and also the rival claimants/interested parties, if any and after giving notice to all the parties and conducting enquiry in the manner known to law, dispose of the said representation, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.



W.P.No.3381 of 2022
judgment dated 05.12.2023

4. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

05.12.2023

CS

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mulima Nagar, Mandavalipakkam,
Raja Annamalaipuram, Chennai-600 028.
2. The Sub-Registrar, Kodambakkam,
No.37/5, 5th Street, 100 Feet Road,
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W.P.No.33810 of 2023
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P. VELMURUGAN, J

CS

W.P.No.33810 of 2023

05.12.2023