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W.P.(MD)NO.26475 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26475 of 2023

James

... Petitioner

Vs.

1. The Director,
Fisheries Department,
DMX Complex,
Thenapet, Chennai.

2. The District Collector,
Kanyakumari District
at Nagercoil.

3. The Assistant Director of Fisheries Department,
(Region) Nagercoil,
Kanyakumari District.

4. The Secretary,
Fisherman,
Co-operative Society,
Kottipadu, Colachal Post,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 and 3 to return back the property of the petitioner situated in Re.Sy.No.771/2 to the extent of 3 cents in Lakshmipuram Village, Kalkulam Taluk, Kanyakumari District by considering the petitioner's representation dated 02.06.2023.



For Petitioner : Mr.K.P.Narayanakumar

For Respondents: Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. The petition-mentioned land was purchased by the petitioner himself. However, the house was constructed under a subsidy scheme. In order to facilitate the same, an encumbrance was created in the Encumbrance Register in favour of the Fisheries Department. Now all that the petitioner wants is deletion of the said Encumbrance.

3. It is not in dispute that the house was constructed and handed over to the writ petitioner. At present the petitioner is its absolute owner. There is no need to keep the encumbrance alive. The third respondent is directed to issue NOC in favour of the petitioner so as to facilitate deletion of the said adverse entry in the Encumbrance Register. This shall be done by the third respondent as expeditiously as possible. Thereafter, the petitioner is entitled to approach the



jurisdictional Sub Registrar of the Registration Department with the said NOC. The jurisdictional Sub Registrar will cause appropriate entry to be made in the Encumbrance Register so as to assure the petitioner's title. This writ petition stands allowed on these terms. No costs.

22.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

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Fisheries Department,
DMX Complex,
Thenapet, Chennai.
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Kanyakumari District
at Nagercoil.
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4

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G.R.SWAMINATHAN,J.

PMU

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