



W.P. No.2830 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.2830 of 2024

Periyaswamy

... Petitioner

Vs.

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

2.The Deputy Inspector General of Registration,
Registration Department, Cuddalore Circle,
No.50, Sankara Naidu Street,
Thirupathiripuliyur, Cuddalore -607 002.

3.The District Registrar (Administration),
Registration Department,
Villupuram.

4.The Sub-Registrar,
Manalurpettai Sub-Registrar Office,
Manalurpettai,
Tindivanam Taluk, Villupuram District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein especially the 3rd respondent herein to conduct an enquiry on the petitioners representation dated 21.12.2023 and remove the wrong entry viz., mortgage deed dated 07.06.1977 under Document No.771 of 1977 said to have been executed by one Sesha Mudaliar with regard to the petitioners lands comprised in Survey Nos.58/1, 58/3 and 58/7 situated in Thiruvarangam Village, Vanapuram Taluk, Kallakurichi District.

For Petitioner : Mr. T. Dhanasekaran
For Respondents : Mr. U. Bharanidharan,
Additional Government Pleader.

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the respondents herein especially the 3rd respondent herein to conduct an enquiry on the petitioner's representation dated 21.12.2023 and remove the wrong entry viz., mortgage deed dated 07.06.1977 under Document No.771 of 1977, said to have been executed by one Sesha Mudaliar with regard to the petitioner's lands comprised in Survey Nos.58/1, 58/3 and 58/7 situated in Thiruvarangam Village, Vanapuram Taluk, Kallakurichi District.



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2. The learned counsel for the petitioner submitted that the petitioner is aged about 80 years. When he approached the 4th respondent in order to settle his properties to his children, he was informed that there was a entry in the above said mortgage deed dated 07.06.1977 which was not redeemed and is pending and since the above entry still exists, he could not execute any settlement deed or other deed in favour of his family members or anybody. Therefore, the petitioner made a detailed representation dated 21.12.2023 to the respondents requesting them to cancel/delete/remove the said entry from the encumbrance certificate. But till now no action has been taken. Hence, the present Writ Petition is filed.

3. The respondents have filed counter which shows that so far, no order has been passed.

4. Having regard to the submissions made by the learned counsel on either side and since this writ petition is filed seeking a simple writ of mandamus to consider the petitioner's representation, this Court without



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expressing any opinion with regard to the merits of the case, directs the 3rd respondent to consider the petitioner's representations dated 21.12.2023 and issue notice to the petitioner and to the rival claimants/interested parties/objectors if any as the case may be and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

08.03.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To
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P.VELMURUGAN. J.

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