IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9240 of 2024

S.Pavithra .. Petitioner

Versus

The Sub Registrar
Office of the Sub Registrar
Tharapadavedu, Vellore Road
Katpadi & Post
Vellore District – 632 007 .. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to dispose of the petitioner's representation dated 09.03.2024 and delete the Document Remarks from the encumbrance certificate of the property to an extent of 5.25 cents comprised in survey number 441/7B and 15.0 cents in S.No.441/7C2 situated at Vandaranthangal, Katpadi Town, Vellore District.

For Petitioner : Mr.S.Arivazhagan
For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the respondent to dispose of the petitioner's representation dated 09.03.2024 and delete the Document Remarks from the encumbrance certificate of the property to an extent of 5.25 cents comprised in survey number 441/7B and 15.0 cents in S.No.441/7C2 situated at Vandaranthangal, Katpadi Town, Vellore District.

2. It is the case of the writ petitioner that the petitioner purchased an extent of 20 cents in Survey No.441/7B and 441/7C2 and the document has been registered and released. However, pursuant to the releasing the document, now based on the audit objection, entry is made in the encumbrance certificate, as if deficit stamp duty has to be paid. Hence, seeks a direction to set right the mistake.

3. Heard both sides and perused the materials placed on record. By consent of both parties, this writ petition is taken up for final disposal.

4. As the document is already registered, merely on the basis of subsequent amendment brought under the Registration Act and based on the audit objections, such entries cannot be made. However, having made such entry, the same will not prevent the petitioner from handling the properties. Further, it is to be noted that the document is not even referred for determination of the value. Without determining the same under Section 47-A, merely, on the basis of audit objection it cannot be said that the document is

undervalued.

5. Such view of the matter, instead of directing the respondent to remove the entries, since the registering authorities have no power to remove the entries, the Sub Registrar is directed to make entry indicating the fact that the previous entry will have no impact in dealing with the property by the petitioner. Such exercise shall be made within a period of two months from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands disposed of. No costs.

24.06.2024

dhk
Index :Yes/No
Internet :Yes/No
Neutral Citation : Yes/No

To,

The Sub Registrar
Office of the Sub Registrar
Tharapadavedu, Vellore Road
Katpadi & Post
Vellore District – 632 007

N. SATHISH KUMAR, J.

dhk

W.P.No.9240 of 2024

24.06.2024