



WEB COPY

W.P.No.10971 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.10971 of 2024

S.Geetha

...

Petitioner

versus

1.The District Registrar,
Salem, Salem District.

2.The Sub Registrar,
Omalur,
Omalur Taluk,
Salem District.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring that the lease agreement dated 07.01.2014 in Document No.807 of 2014 registered before the 2nd respondent office has been expired on 06.01.2019 itself and consequently direct the respondents to remove the encumbrances in view of lease deed dated 07.01.2014 in Document No.807 of 2014.

For Petitioner : Mr.M.Elango

For Respondents : Mr.P.Anandhakumar
Government Advocate



ORDER

By consent of both sides, this Writ Petition is disposed of at the stage

of admission itself.

2. This Writ Petition has been filed to remove the encumbrances relating to the lease deed dated 07.01.2014.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

4. It is the contention of the petitioner that the mining lease was executed by the District Collector on 07.01.2014 for a period of 5 years and the same has expired on 06.01.2019. After the expiry of the lease, when the petitioner was given a representation to remove the encumbrances relating to the same, the same has not been done.

5. Mr.P.Anandhakumar, learned Government Advocate takes notice for the respondents and on instructions submitted that the lease deed



has been registered as Document No.1 in Book No.807/2014. Since no cancellation deed is presented, the entry in the encumbrance could not be removed. In the event, the cancellation deed is presented, the same will be registered and the entry in the encumbrance will be deleted.

6. This Court is of the view that when the lease period itself is expired, the question of executing another deed for cancellation does not arise at all. As long as the lease is not renewed, the entry related to the lease period has to be deleted from the encumbrance.

7. In such view of the matter, the second respondent / Sub Registrar is directed to delete the entry with regard to the encumbrances relating to the lease deed dated 07.01.2014. Such exercise shall be made within a period of one month from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs.

23.04.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

N.SATHISH KUMAR, J.



W.P.No.10971 of



sri

To
WEB COPY

- 1.The District Registrar,
Salem, Salem District.
- 2.The Sub Registrar,
Omalur,
Omalur Taluk,
Salem District.

W.P.No.10971 of 2024

23.04.2024