



WEB COPY



WP.No.15085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.15085 of 2024

Margadarsi Chits Private Ltd.,
Represented by its Foreman,
A Wing, Flat No.1 & 2, 2nd Floor,
Parsn Manere 602, Anna Salai, Chennai – 600 006. .. Petitioner

Versus

1. The Inspector General of Registration,
Santhome High Road, Chennai.
2. The Deputy Inspector General of Registration,
combined Building for Registration & Commercial Taxes Dept,
Nandanam, Chennai – 600 035.
3. The Sub Registrar,
Periamet, Chennai.
4. Viman Travels India Private Ltd.,
Represented by its Director & Managing Director,
S-21, 2nd floor, Prince Towers, 94/113,
Purasawalkam High Road, Kellys, Chennai – 600 010.
5. S.R.Ventakesh
6. Vanitha Venkatesh
7. M.Purushothaman .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus to directing the respondents 1 to 3 herein



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to consider the petitioners representation dated 02.01.2024 and take appropriate action within the time duration as may be fixed by this Court.

For Petitioner : Mr.D.Shivakumaran

For Respondents : Mr.B.Vijay
Additional Government Pleader – R1 to R3

ORDER

Since no adverse Order is passed against the respondents 4 to 7, notice to them is dispensed with. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to direct the respondents 1 to 3 to consider the representation of the petitioner dated 02.01.2024 and take appropriate action within the time duration as may be fixed by this Court.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

4. It is the case of the petitioner that the fourth respondent was a subscriber to the two chits run by the petitioner and they are successful bidder



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along with sureties, viz., respondents 5 and 6. On account of non payment of the amount regularly, arbitration proceedings have been initiated against the fourth respondent in the year 2018. In the above proceedings, attachment before the Orders have also been passed on 19.03.2018 and the said Orders have been reflected in the encumbrance on 19.03.2018. Thereafter, the said encumbrance entries are some how missing in the encumbrance certificate without any reasons. Taking advantage of the same, the fifth and sixth respondents, who are the sureties, have sold the property to the seventh respondent and the seventh respondent, in turn has mortgaged the property to the bank. Therefore, in order to set right the mistake crept in the records, the petitioner gave a representation to the second and third respondents. However, no Orders have been passed by them and hence, the present Writ Petition has been filed.

5. Since, no counter has been filed, without going into the merits of the case, there shall be a direction to the respondents 1 to 3 to pass Orders on the representation of the petitioner dated 02.01.2024 on merits and if the entries are really deleted by oversight, the authorities shall ensure that the entries reflect in the encumbrance certificate and also find out whether the attachment has been raised by the competent authority. Such an exercise shall be done within a period of three months from the date of receipt of a copy of this Order.



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WEB COPY 6. With the above directions, this Writ Petition is disposed of. No costs.

18.06.2024

vrc

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

To,

1. The Inspector General of Registration,
Santhome High Road, Chennai.
2. The Deputy Inspector General of Registration,
combined Building for Registration & Commercial Taxes Dept,
Nandanam, Chennai – 600 035.
3. The Sub Registrar,
Periamet, Chennai.



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N. SATHISH KUMAR, J.

vrc

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