



WEB COPY



W.P.No.15112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM:

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.15112 of 2024

K.Sridhar

.. Petitioner

Vs

1.The Inspector General of Registration
Mylapore, Chennai 600 004

2.The District Registrar
Kancheepuram District

3.The Sub Registrar
Sub Registrar's Office
Padappai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to delete the entry from encumbrance register in respect of the Mortgage Deed dated 24.06.1981 registered as document No.3619/1981 on the file of the 3rd respondent on the basis of the representation dated 25.03.2024 and 30.03.2024, within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.B.Vijay, Addl. Govt. Pleader



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ORDER

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 for a direction to the respondents to delete the entry from the encumbrance register in respect of the Mortgage Deed dated 24.06.1981 registered as document No.3619/1981 on the file of the 3rd respondent, on the basis of the representation dated 25.03.2024 and 30.03.2024, within a time frame fixed by this Court.

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

4. It is the grievance of the petitioner that the mortgage was originally executed in the year 1981 in respect of the subject property and thereafter, the subject property has been sold to the petitioner. Since the encumbrance certificate reflects the said mortgage, the petitioner seeks to remove the same by submitting representations to the 3rd respondent on



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25.03.2024 and 30.03.2024. However, no action has been taken by the 3rd respondent on the said representations. Hence, the present writ petition.

5. At the outset, this Court is of the view that mere entry related to a mortgage, will not be a bar for subsequent registration and a direction to delete the same also will not serve any purpose. However, it is made clear that merely on the basis of such entry, subsequent registration cannot be refused. Hence, there shall be a direction to the 3rd respondent to dispose of the petitioner's representations dated 25.03.2024 and 30.03.2024 and pass orders on the same on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

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

13.06.2024

gya

Index : Yes/No

Neutral Citation : Yes/No

N.SATHISH KUMAR, J.



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To
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Mylapore, Chennai 600 004

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Kancheepuram District

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