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WP.No.19175 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.19175 of 2024

Venkatesh Coke and Power Limited,
Rep. by its Director Gaurav Agarwal
Having Registered Office at
6296A/D1, Chandrawal Road, New Delhi – 110 007 .. Petitioner

Versus

1. The Union of India Through the Secretary,
Ministry of Finance, Government of India,
New Delhi – 110 001.
2. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road, Chennai – 600 028.
3. The Sub Registrar, Thiruvotriyur Sub Registrar Office,
No.21/8, Market Street, Kaladipet,
Thiruvotriyur, Chennai – 600 019.
4. The District Registrar, Chennai North,
Kuralagam, Chennai – 600 108.
5. The Deputy Salt Commissioner,
Ministry of Commerce & Industry,
No.26, Hadows Road, Shastri Bhawan,
Nungambakkam, Chennai – 600 006.

6. M/s.Dwaraka Trade Links,
34, Tank Bund Road, Nungambakkam,
Chennai – 600 034.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third and fourth respondents to correct the Index entry in respect of Lease deed dated 06.09.1991, Doc.No.3552 of 1991, Vol. 906, Book-1, Page Nos.305 to 401, SRO-Thiruvotriyur, by mentioning the revenue village for the said document as Puzhithivakkam Village instead of Atthipattu Village and thereby directing the respondents to remove the wrong entry of the lease Deed dated 06.09.1991 executed between the fifth respondent and M/s.Dwaraka Trade Links Private Limited from the Encumbrance Certificate at the petitioner's land.

For Petitioner : Mr.V.Seshachari

For Respondents : Mr.K.Ramanamoorthy, CGSC – R1 & R5

Mr.M.Shajahan
Special Government Pleader – R2, R3 & R4

ORDER

Since, no adverse Order is passed against the sixth respondent, notice to the sixth respondent 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 third and fourth respondents to correct the Index entry in respect of Lease deed dated



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06.09.1991, Doc.No.3552 of 1991, Vol. 906, Book-1, Page Nos.305 to 401, SRO-Thiruvotriyur, by mentioning the revenue village for the said document as Puzhithivakkam Village instead of Atthipattu Village and thereby directing the respondents to remove the wrong entry of the lease Deed dated 06.09.1991 executed between the fifth respondent and M/s.Dwaraka Tade Links Private Limited from the Encumbrance Certificate at the petitioner's land.

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

4. It is the case of the writ petitioner that the petitioner is owning land in Athipattu Village. Whereas the fifth respondent, the Ministry of the Commerce own land in Puzhithivakkam Village. However, while the fifth respondent executed a lease deed in favour of the sixth respondent on 06.09.1991 and the same has been reflected in the Encumbrance Certificate as if lease in respect of the property of the petitioner in Athipattu village. In this regard, the petitioner has given a representation to remove the entry in the encumbrance Certificate. But no action has been taken by the respondent. Hence, the present Writ Petition.



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5. The learned counsel for the Special Government Pleader appearing for the respondents 2, 3 and 4 would submit that the entries have been reflected based on the schedule of properties shown in the lease deed executed by the fifth respondent.

6. Whereas the learned counsel appearing for the fifth and sixth respondents contended that the lease deed has been executed in favour of the sixth respondent and the lease period is already over and the property has been surrendered back to the fifth respondent and now the property is in possession of TITCO and they have no objection to remove the entry in respect of the property of the petitioner. The communication sent by the fifth respondent dated 20.12.2023 to the Sub Registrar is available on record and the same clearly show that they have no objection for removing the entry in the Encumbrance Certificate and that they are no way connected with the properties in the Athipattu Village, particularly, the petitioner's property. However, the fact remains that while executing the lease deed, the survey number shown in schedule of the property is lying in the Athipattu Village. Only because of such mistake committed by the fifth respondent, entries reflected in the Encumbrance Certificate. As the entries have already been reflected as per the document, there is no purpose in directing the respondents



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to remove the entries. Now the stand of the fifth respondent is that the lease has already been expired and the land has also been transferred to TITCO. It is also the specific stand of the fifth respondent that they have no right in the survey number of the petitioner.

7. In such view of the matter, mere entry reflected in the encumbrance certificate based on the document, when the lease period is already over, the same will not have any effect in dealing with the property of the petitioner in Athipattu village by the petitioner. Such entry will not bar any subsequent transaction made by the petitioner.

8. With the above observations, this Writ Petition is disposed of.

No costs.

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vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. The Union of India Through the Secretary,

Ministry of Finance, Government of India,

<https://www.mhc.tn.gov.in/judis>



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New Delhi – 110 001.

2. The Inspector General of Registration,
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