



W.P.No.19496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.19496 of 2024**

Murtaza M.Lohani

... Petitioner

**Vs.**

- 1.The District Registrar Chennai South  
Office at - No.9,Jeenis Road, 2nd Floor,  
Saidapet, Chennai-600 015
- 2.The Sub Registrar,  
Saidapet, Joint-I,  
Chennai-600 015
- 3.The Inspector General of Registration(IGR)  
No.100, Santhome High Road,  
Chennai-600 028
- 4.State of Tamilnadu rep. by  
Deputy Superintendent Of Police,  
Chennai City-I Department,  
Vigilance And Anti-Corruption, Chennai-600 016
- 5.The Deputy Director,  
Directorate of Enforcement,  
Shastri Bhavan, 3rd Floor, B Block,  
26,Haddows Road, Chennai-600 006

...Respondents



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**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1st and 2nd to consider petitioner's representation dated 17.01.2024 and subsequently to take necessary steps to delete/index the comment placed in the encumbrance certificate pertaining the petitioner's property.

For Petitioner : M/s.Yusuf S.Q.

For Respondents : M/s.B.Vijay, AGP  
for R1 to R3.  
: M/s.R.Vinoth Raja,  
Govt. Advocate (Crl.Side) for R.4.  
: M/s.N.Ramesh Special Public Prosecutor

### **ORDER**

The Writ Petition is filed to direct the respondents 1 and 2 to consider petitioner's representation dated 17.01.2024 and subsequently to take necessary steps to delete/index the comment placed in the encumbrance certificate pertaining to the petitioner's property.

2. The encumbrance remarks in question had been entered pursuant to the orders passed in Crl.MP.No.267 of 2013 in Crl.OP.No.1 of 2023 passed by the learned Chief Judge, Court of Small Causes Chennai. The registering authority have expressed their inability to delete the said entry



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on the ground that they did not have the power and secondly that the attachment was made pursuant to the orders of this Court.

3. On instructions, it is now informed by the learned counsel for the 4th respondent that the Criminal OP, namely, Crl.OP.No.1/2013 which is the basis on which the encumbrance remarks had been entered in the encumbrance certificate relating to the subject property has been quashed against the vendor of the petitioner and that the attachment no longer subsist. The said representation is also confirmed by the learned counsel appearing for the 5th respondent. Therefore, in the light of the above, the 2nd respondent is directed to delete/index the comment placed in the encumbrance certificate pertaining to the petitioner's property. The said exercise shall be completed within a period of 2 weeks from the date of receipt of a copy of this order.

4. Accordingly, the Writ Petition is allowed. No costs.

**13.11.2024**

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To  
WEB COPY

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**P.T. ASHA. J.,**

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