



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21281 of 2024

T.Yasmin Banu

...

Petitioner

versus

1.The Inspector General of Registration
No.100, Santhome High Road,
Chennai - 600 028.

2.The Sub-Registrar,
Office of Sub Registrar,
Rameshwaram.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the document remarks in Encumbrance Certificate for the petitioner's Settlement Deed in Doc.No.1056 of 2020 dated 02.09.2020 registered on the file of the second respondent.

For Petitioner : Mr.R.Nandhakumar
for M/s.Law Firm

For Respondents : Mr.B.Vijay
Additional Government Pleader



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 for removal of the entry with regard to the petitioner's property, indicating that some criminal case is pending.

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

4. It is the case of the writ petitioner that her former husband executed Settlement Deed in her favour on 02.09.2020 and the same has been registered as Document No.1056 of 2020. Thereafter, as the misunderstanding arrived at between the parties, the petitioner obtained a decree of divorce. Now, on the basis of some financial dealings of her former husband, a criminal complaint lodged against him as well as the petitioner in Crime No.37 of 2023.



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5. The petitioner has already obtained anticipatory bail. However, the entry has been shown in the encumbrance as the criminal case is pending. As long as there is no attachment or any order from the Court, such entry cannot be reflected in the encumbrance merely on the basis of registration of the F.I.R.

6. In such view of the matter, the respondents are directed to consider the representation of the petitioner dated 02.06.2024 and to remove the documents remarks in encumbrance certificate as far as the petitioner's case is concerned, if there is no attachment or order from the Court or competent authorities. Such exercise shall be completed within a period of one week from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

29.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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To

- 1.The Inspector General of Registration
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The Sub-Registrar,
Office of Sub Registrar,
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