



W.P.(MD)No.2849 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.2849 of 2023

Narayani

... Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Kanyakumari District,
Nagercoil.

2.The Sub Registrar,
Sub Registration Office,
Kottaram,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in No. 5479/Aa1/2022 dated 22.08.2022 and quash the same as illegal and consequently directing the 2nd respondent to remove the encumbrance in S.No.3799A, Leepuram Village, Agastheeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.T.Selvakumaran
For Respondents : Mr.P.Subbaraj
Special Government Pleader



W.P.(MD)No.2849 of 2023

ORDER

WEB COPY

This writ petition has been filed challenging the order passed by the first respondent dated 22.08.2022 and to direct the second respondent to remove the entries made in the year 1987.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The case of the petitioner is that the father of the petitioner was working as a Government Employee. The father of the petitioner had given a security in the year 1967 and the property of the petitioner's father was registered in O.P.No.12 of 1967. The same has been reflected in the encumbrance. In this regard, the petitioner has given a representation dated 11.08.2022 to remove that entry. However, the same has been rejected stating that there is no provision to remove the entry made in the encumbrance certificate. Challenging the same, the petitioner has filed this writ petition.

4.Perusal of the encumbrance certificate indicates that the document has been executed towards some surety in the year 1967. More than 55 years have been lapsed. Even assuming that the document has been executed, the same will



W.P.(MD)No.2849 of 2023

not have any force to enforce the same, since the period of limitation is already over by passage of time.

5.In such view of the matter, the first respondent is directed to remove the entry made in the encumbrance certificate, since the document executed in the year 1967 has become insignificant.

6.This writ petition is allowed, accordingly and the impugned order dated 22.08.2022 is hereby quashed. No costs.

18.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ta

To

1.The District Registrar,
District Registration Office,
Kanyakumari District,
Nagercoil.

2.The Sub Registrar,
Sub Registration Office,
Kottaram,
Kanyakumari District.



WEB COPY



W.P.(MD)No.2849 of 2023

N.SATHISH KUMAR, J.

ta

W.P.(MD)No.2849 of 2023

18.10.2024