



W.P.(MD)No.16834 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16834 of 2018

Veerakamatchi

... Petitioner

Vs.

1.The Inspector General Of Registration,
Office of the Inspector General of Registration,
No.100, Santhom High Road, Chennai.

2.The District Registrar,
O/o the Dindigul District Registrar,
Near to the District Collector Office,
Dindigul.

3.The Tahsildar,
O/o the Thasildar, Kodaikanal,
Dindigul District.

4.The Sub Registrar,
O/o the Sub Registrar,
Kodaikanal, Dindigul District.

5.Saraswathi Chinnappa

6. Somson Ashok Chinnappa

7. Murugesan

8. Rajarathinam

.... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent Nos.1 and 2 to conduct enquiry and take appropriate action against the respondent Nos.7 and 8 and take action to remove the present UDR resurvey No.1008/1B1 in the encumbrance certificate relating to document No.137/2013 dated 23.01.2013 on the file of the Sub Registrar, Kodaikanal, Dindigul District, by considering the representation submitted by the petitioner dated 26.06.2018.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Siddarthan,
Addl. Govt. Pleaer for R1 to R4
M/s.K.Shobah for R5 & R6

ORDER

This Writ Petition has been filed seeking direction to the respondent Nos. 1 and 2 to conduct enquiry and take appropriate action against the respondent Nos. 7 and 8 and take action to remove the present UDR resurvey No.1008/1B1 in the encumbrance certificate relating to document No.137/2013 dated 23.01.2013 on the file of the Sub Registrar, Kodaikanal, Dindigul District, by considering the representation submitted by the petitioner dated 26.06.2018.



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2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the respondents 5 and 6 and perused the materials available on record.

3. It is the case of the Writ Petitioner that the property originally belonged to his father. Thereafter, by way of settlement deed, bearing document No.1495/2014, the petitioner become the owner of the property. However, one Sunnil Kuluvadi, sold the property in S.No.1008/5, Plot No.8 to the respondents 5 and 6 including the survey number of the petitioner's property. Thereafter, the said sale deed was also registered in the year 2013. Therefore, the petitioner seeks to remove the entry in the Encumbrance Certificate in this regard. Since, no action was taken, the petitioner has filed this Writ Petition.

4. The fourth respondent has filed a counter affidavit, in which it is stated that the petitioner without approaching the first respondent, merely sent a representation to the respondents 1 and 2 and thereafter, filed this Writ Petition with misleading facts. Based on which a speaking order cannot be passed. Hence, opposed this Writ Petition.



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5. Admittedly, the sale deed has been registered by the third parties. The purpose of Encumbrance Certificate is only to inform the public about the entries ie., nature of transactions in respect of the particular survey number. Therefore, the Registering Authority has no power to go into that issue. It is for the petitioner to workout his remedy before the civil Court.

6. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs.

06.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

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