



W.P(MD)No.25325 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25325 of 2023

Amutha

... Petitioner

Vs.

1.The District Registrar (Administration),
Trichy District.

2.The Sub Registrar,
Woraiyur Sub Registrar Office,
Woraiyur, Trichy District.

3.The Sub Registrar,
Maruthandakurichi Sub Registrar Office,
Maruthandakurichi,
Trichy District.

4.The Inspector,
Vigilance and Anti Corruption,
City Special Unit - III,
No.293, M.K.N.Road,
Alandur, Chennai 600 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.3 to consider the petitioner's representation dated 23.05.2023 and to remove the entry made in encumbrance certificate in respect of his property in Plot No.65



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situated in Survey Nos.226/2A2, 225/1A, 303/4, 303/5A, 226/2A1, 225/1A PART, and 305/5B at Sankar Nagar, Egirimangalam, Maruthandakurichi Village, Srirangam Taluk, Trichy District after getting necessary no objection certificate from the 4th respondent.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader for R1 to R3.
Mr.Albert James,
Government Advocate (Crl. Side) for R4.

ORDER

Heard both sides.

2.The petitioner is aggrieved by the adverse entry in the encumbrance register pertaining to the petition mentioned property. In the encumbrance register, it has been endorsed that the subject property has come under notice of the Vigilance and Anti Corruption City Special Unit II, Chennai. Seeking its deletion, this writ petition came to be filed.

3.The fourth respondent / police have fairly stated that there is no case pending against the petitioner and that the property is not involved in any case



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pending before DVAC, CSU-III and that they have no objection for conceding the petitioner's prayer. In view of this fair stand, there is no difficulty in allowing the writ petition.

4. But the issue cannot rest there. I fail to understand as to how in the first instance, the registering authority made such an endorsement. In the encumbrance register, the following entries alone can be made:

(a) Registered transactions in respect of the property concerned;

(b) Any attachment made thereon; and

(c) Any decree passed in respect of the property and communicated to the Court under Rule 89 of the Civil Rules of Practice;

Apart from these three, no other endorsement can be made in the encumbrance register. A learned counsel remarked that the impugned entry is not encumbrance in the property but an encumbrance on the person. It is a stigmatic entry. Such an entry could not have been made. The registering authorities should be mindful of their duties and responsibilities before making such entries. The entry was made in this case not only without any basis but also contrary to law. The third respondent is directed to delete the offending entry forthwith and without any delay.



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6.The writ petition is allowed accordingly. No costs.

28.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Trichy District.
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Woraiyur, Trichy District.
- 3.The Sub Registrar,
Maruthandakurichi Sub Registrar Office,
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G.R.SWAMINATHAN, J.

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