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W.P.No.2408 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.2408 of 2025

Spencer and Company Ltd.,
registered office
Flat 2B, Queens Court, 2nd Floor,
No.98-145, Montieth Road,
Egmore, Chennai 600 008
rep. By T.N.Gayathri,
General Manager

: Petitioner

Vs.

- 1.The Inspector General of Registration,
Department of Registration,
No.100, Santhome High Road,
Chennai 600 028
- 2.The District Registrar,
Department of Registration,
No.100, Santhome High Road,
Chennai 600 028
- 3.The Sub Registrar,
Chennai Central Joint II,
No.9, Kavignar Bharathidasan Road,
Seetammal Colony, Alwarpet,
Chennai 600 018
- 4.Farida Classic Shoes Private Ltd.,



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WEB COPY No.151/4, Poonamallee Road,
Ramapuram, Chennai 600 089

5.M.Kamaraj

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing respondents 1 to 3 to remove the erroneous entry of the irrelevant lease deed bearing document No.1026/2005 reflected in the online encumbrance certificate pertaining to the petitioner's schedule property comprised in re-survey No.26/11.

For Petitioner : Mr.Srinath Sridevan,
Senior Counsel,
of Mr.P.S.Suman

For Respondents : Mr.Abishek Murthy,
Government Advocate,
for respondents 1 to 3

No appearance for respondents 4 and 5

ORDER

Though notice was served on respondents 4 and 5, there is no appearance on their behalf.

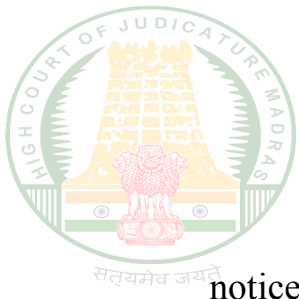
2. The present writ petition is filed praying for a writ of mandamus to direct the respondents 1 to 3 to remove the erroneous entry of irrelevant lease deed bearing document No.1026/2005, reflected in the online encumbrance certificate pertaining to the petitioner's schedule property comprised in re-survey No.26/1.



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3. The case of the petitioner is that he purchased the property comprised in Re-Survey No.26/1, admeasuring an extent of 4 acres 50 cents situated at Block No.4, Nungambakkam Division, Binny Road, Chennai vide sale deed dated 01.07.1913, registered in Document No.1541/1913 before the Sub-Registration District of South Madras, within the Registration District of Madras Chengelpet and patta was issued in respect of the above property in CA No.98/78-79 dated 05.10.1978. It is stated that online Encumbrance Certificate of the subject property reflects an erroneous entry pertaining to a lease deed dated 31.08.2005, registered in Document No.1026/2005 before the Sub-Registrar of Chennai Central Joint-II, executed by the fourth respondent in favour of the fifth respondent, with respect to the property comprised in Survey Nos.26/2 (part), 26/3 (part), and 27/2 (part), admeasuring an extent of 1327 sq.ft. of super built up area, situated on the ground floor of the Spencer Plaza Complex. The said lease deed has no connection/relevance to the subject property. Further, petitioner found that at the time of executing the said lease deed, respondents 4 and 5, instead of mentioning the Survey Numbers of the said leased property as 26/2 (part), 26/3 (part), and 27/2 (part), had erroneously recorded the survey numbers as 26/1 and 27/1. Hence, petitioner issued a legal



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notice to the fourth respondent on 04.10.2016, to rectify the aforesaid mistake.

However, no action has been taken so far. Aggrieved by the same, the petitioner has come before this Court.

4. Learned Senior Advocate for the petitioner by placing reliance upon a judgment of this court in WP No.8394 of 2025 dated 03.04.2025 would submit that the Registration Act and the Rules may not empower the authority created under the Act to remove the encumbrance certificate entered on the basis of valid proceedings or document. However, it was held that an encumbrance made on the basis of non-existing proceedings cannot be permitted to be reflected in the encumbrance certificate and a direction was thus issued to delete the said entries. The relevant portion reads as under:

"The Registration Act and the Rules made thereunder do not empower the authority created under the Act to remove the encumbrance certificate, if it has been entered on the basis of valid proceedings or document. In the present case, the encumbrance certificate has been kept into the file of the second respondent on the basis of the non-existing proceedings of the District Collector. When there is no proceedings initiated by the District Collector Office, there is no question of the same being reflected in encumbrance certificate. In view of the same, this Writ Petition is disposed of with a direction to the second respondent to delete the said



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entry from his file and report to this Court."

5. Learned Senior Advocate also placed reliance upon a judgment of this Court in WP No.10971 of 2024 dated 23.04.2024, wherein it was held as under:

"6.This Court is of the view that when the lease period itself is expired, the question of executing another deed for cancellation does not arise at all. As long as the lease is not renewed, the entry related to the lease period has to be deleted from the encumbrance.

7.In such view of the matter, the second respondent/Sub Registrar is directed to delete the entry with regard to the encumbrances relating to the lease deed dated 07.01.2014."

6. The third respondent has filed a counter affidavit, wherein it was admitted that above entry is an error apparent. The relevant portion is extracted hereunder:

"4.With regard to Para 7 to 12 of the affidavit, it is submitted that a Deed of Lease dated 31.08.2005 executed by M/s.Farida Classic Shoes Private Ltd., the 4th respondent in favour of Mr.M.Kamaraj, the 5th Respondent granting lease of Shop Nos.G-16 and G-17 located in the Ground Floor of Spencer Plaza Complex comprised in Survey No.26/1, 27/1, Nungambakkam Village was registered as Document No.1026 of 2005 at the office of this Respondent. There was no system of verifying the



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parent document or Encumbrance certificate to see the Survey numbers mentioned in the parent document is correctly noted in the document presented for registration, at the period of registration of lease deed. M/s. Farida Classic Shoes Private Ltd has purchased the shop bearing No.G-16 from the petitioner under document No.1068/1992 and purchased the shop bearing No.G-16A from the petitioner under document No.1069/1992 in which the Survey numbers have been mentioned as 26/2Part, 26/3Part, 27/2Part. Hence, it is clear that the survey number mentioned as Survey No.26/1 and 27/1 in the lease deed No.1026/2005 is an apparent error."

7. At this juncture, it was submitted by the learned Senior Advocate for the petitioner that instead of deleting the entry, the respondents may make an entry in the footnote or in the remarks column indicating that the reference to Survey Nos.26/1 and 27/1 in Document No.1026 of 2005 is erroneous, as Survey Nos.26/1 pertains to petitioner's property and the said document instead must read as Survey Nos. 26/2 (part), 26/3 (part), and 27/2 (part), which was agreed to by the learned Government Advocate for the official respondents.

8. In view thereof, there shall be direction to the respondents 1 to 3 to make an entry in the footnote or in the remarks column in the said online encumbrance certificate indicating that the reference to Survey Nos.26/1 and 27/1 in Document No.1026 of 2005 is erroneous, as Survey Nos.26/1 pertains



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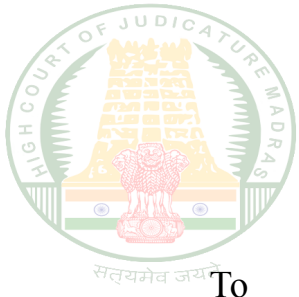
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to petitioner's property and the said document instead must read as Survey Nos. 26/2 (part), 26/3 (part), and 27/2 (part), after issuing notice to the petitioner, fourth and fifth respondents and all other interested parties including rival claimants, if any.

9. The writ petition stands disposed of with the above directions. There will be no order as to costs.

09.07.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn



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To

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1. The Inspector General of Registration,
Department of Registration,
No.100, Santhome High Road,
Chennai 600 028
2. The District Registrar,
Department of Registration,
No.100, Santhome High Road,
Chennai 600 028
3. The Sub Registrar,
Chennai Central Joint II,
No.9, Kavignar Bharathidasan Road,
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Chennai 600 018



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MOHAMMED SHAFFIQ, J.

(mrn)

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