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W.P.No.10439 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.10439 of 2025

P.Subramani

.... Petitioner

Vs

1.The District Registrar, Registration
Salem
Salem District.

2.The Sub Registrar
Omalur
Omalur Taluk
Salem District.

3.The Executive Engineer
TNHB Salem Housing Unit
Iyyan Thirumaligai
Salem - 8.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the second respondent to remove the name of the third respondent in the encumbrance certificate in respect of land in Survey Nos.83/1E3, 88/4B, 88/4C, 88/7, 89/1B, 89/1C, 90/1 (90/1B) & 91/2 at Kottagoundampatti Village, Omalur Taluk, Salem District by considering the petitioner's representation dated 21.02.2025.



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For Petitioner : Mr.M.Elango

For Respondents : Mr.U.Baranidharan
Special Government Pleader [R1 & R2]
Mr.Kalaiselvan, Standing Counsel for R3

ORDER

This writ petition has been filed for issue of Writ of Mandamus directing the second respondent to remove the name of the third respondent from the Encumbrance Certificate with respect to the subject property by considering the representation made by the petitioner on 21.02.2025.

2. Heard Mr.M.Elango, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for respondents 1 and 2, and Mr.Kalaiselvan, learned Standing Counsel for the third respondent.

3. It is seen from the records that the petitioner filed the earlier writ petition in W.P.No.37081 of 2024, challenging the proceedings of the Tahsildar, Omalur Taluk, Salem District dated 25.11.2024 and for a consequential direction to the Tahsildar to change the revenue records in the



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name of the petitioner pertaining to the subject property. This writ petition was contested and ultimately it was allowed by order dated 06.12.2024 and the relevant portion is extracted hereunder :

"5. Considering the fact that the land acquisition proceedings had been declared as having lapsed, the Patta in respect of the survey numbers should revert back to the original owner. Recognizing the above, the Respondents have mutated the Revenue Records with reference to survey numbers but has failed to follow it in the other survey numbers. Therefore, since the Respondents have not discharged their statutory duty properly, the Writ Petition is allowed and a Mandamus is issued to the Respondents to forthwith change the Patta in respect of all other survey numbers. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this Order. No costs."

4. In the light of the above order, it is made clear that the acquisition proceedings initiated for the third respondent has already lapsed and therefore, this Court directed the revenue records to be restored in the name of the petitioner. Pursuant to the above order, the Tahsildhar, Omalur Taluk, through proceedings dated 19.02.2025, restored the revenue records in the name of the petitioner.



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5. The grievance of the petitioner is that the earlier entry made in the Encumbrance Register showing the name of the third respondent continues and as a result, the petitioner is not in a position to deal with the property. Hence, the petitioner made a representation on 21.02.2025, requesting the second respondent to remove the entry. Since the same has not been considered, the present writ petition is filed before this Court.

6. When the matter was taken up for hearing, the written instructions received from the second respondent was placed before this Court. On going through the same, the second respondent has taken a stand that unless the Court issues a specific direction, such removal of entry cannot be made by the second respondent.

7. In the considered view of this Court, since the acquisition proceedings has already lapsed and the revenue records have been restored in the name of the petitioner, there is no reason to continue the entry in the name of the third respondent in the Encumbrance Register. Hence, there shall be a direction to



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the second respondent to remove the entry in the Encumbrance Register showing the name of the third respondent, within a period of two weeks from the date of receipt of a copy of this order citing the present order passed in this writ petition.

8. This writ petition is disposed of with the above conditions. No costs.

25.03.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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