



W.P.No.25993 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.25993 of 2025

K.Jayaprakash

: Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Salem District

2.The Sub Registrar,
Office of the SRO,
Thalaivasal SRO,
Salem District

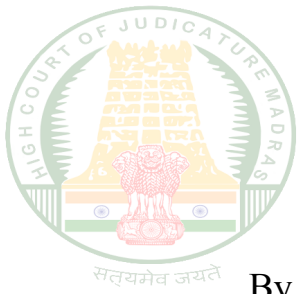
: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the 1st and 2nd respondent to make necessary foot note in the encumbrance certificate with regard to the order passed by this Court in W.P.No.7232 of 2025 dated 07/03/2025 by conducting proper enquiry on the petitioner's representation dated 22/04/2025 within a time frame.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.U.Baranidharan,
Special Government Pleader

ORDER



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By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of mandamus to direct the 1st and 2nd respondents to make necessary foot note in the encumbrance certificate with regard to the order passed by this Court in W.P.No.7232 of 2025 dated 07.03.2025 by conducting proper enquiry on the petitioner's representation dated 22.04.2025 within a time frame.

3. It is submitted by the learned counsel for the petitioner that petitioner submitted a representation dated 22.04.2025 before the respondents seeking the aforesaid prayer. The said representation was not considered so far. Aggrieved by the same, the petitioner has filed the present writ petition.

4. At the outset, it was submitted by the learned Special Government Pleader for respondents that clarification that is sought for has already been provided by this court in the earlier round of litigation in W.P.No.7232 of 2025 dated 07.03.2025. The relevant portion of the order dated is extracted hereunder:

"4. Taking into consideration the facts and



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circumstances of the case and the materials placed before this Court, it is quite apparent from the sale deed executed in favour of the petitioner that the petitioner is the owner of the property measuring an extent of 2.32 acres. The patta also stands in the name of the petitioner. A wrong entry that was made in the agreement of sale which was entered into at some earlier point of time and which never fructified cannot stand in the way of the extent of the property over which the petitioner is claiming right and title. In other words, such entry that was made in the Encumbrance Certificate when the sale agreement was entered into in the year 1987 cannot in any way take away the right and title of the petitioner under the sale deed dated 28.10.2024. If this clarity is given, it will sufficiently take care of the grievance expressed by the petitioner. There is no scope for directing the first respondent to make the necessary correction in the Encumbrance Certificate. The entry made in the Encumbrance Certificate was based on the extent that was mentioned in the sale agreement and there is no power available to the registering authority to make corrections in the Encumbrance Certificate since such power is not conferred under the Registration Act."

5. Learned Special Government Pleader would however submit that the representation dated 22.04.2025 made by petitioner would be considered, keeping in view the order passed by this court in W.P.No.7232 of 2025 dated 07.03.2025 and appropriate orders would be passed, within a time frame to be fixed by this Court, which was agreed to by the learned counsel for petitioner.



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5. In view of the limited relief that is prayed, this court is inclined to dispose of the writ petition with following directions:

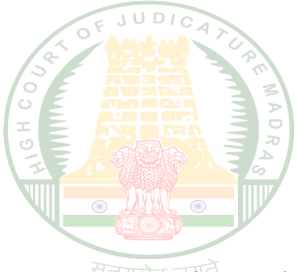
i) The respondents shall consider the representation dated 22.04.2025 keeping in view the order passed by this court in W.P.No.7232 of 2025 dated 07.03.2025, after issuing notice and affording a reasonable opportunity of hearing to the petitioner and all other interested parties including rival claimants, if any.

ii) Though facts have been set out in affidavit, in view of the limited relief that is sought to be granted, I do not propose to examine the same, lest it may influence the authority. The authority shall independently consider the facts and law set out in the representation and pass appropriate order in accordance with law.

iii) The petitioner's representation dated 22.04.2025 shall be disposed of within a period of eight (8) weeks from the date of uploading of web copy without waiting for the receipt of certified copy.

iv) It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. Rights and contentions of the petitioner and all other interested parties are left open.

6. Accordingly, the writ petition stands disposed of. There will be no order



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as to costs.

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Speaking (or) Non Speaking Order

Neutral Citation: Yes/No

mrn

To

1.The District Registrar,
Office of the District Registrar,
Salem District

2.The Sub Registrar,
Office of the SRO,
Thalaivasal SRO,
Salem District

MOHAMMED SHAFFIQ, J.

(mrn)



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