



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.16663 of 2015

WEB COPY

E.M.S.Sugumaran

...Petitioner

Vs.

1.The District Registrar(Administration),  
Madurai North,  
Madurai.

2.The Sub-Registrar,  
Otthakadai,  
Madurai.

3.M.Mohan

4.A.P.Ganapathi

...Respondents

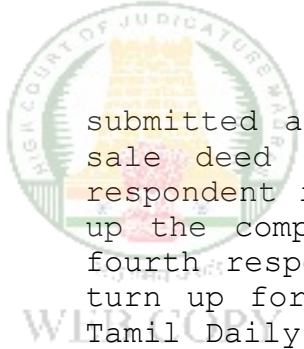
This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to remove the entries of fraudulent document Nos.1104/2011 & 1141/2011 from the Encumbrance Certificate available with the second respondent office by considering the representation given by the petitioner, dated 10.08.2015 within the period stipulated by this Court.

For petitioner : Mr.N.Sathish Babu  
For R-1 & R-2 : Mr.K.Mahesh Raja,  
Government Advocate

#### ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to remove the entries of fraudulent document Nos.1104/2011 & 1141/2011 from the Encumbrance Certificate available with the second respondent office by considering the representation given by the petitioner, dated 10.08.2015 within a stipulated time.

3. The case of the petitioner is that the petitioner purchased the property in Re.Survey No.8/5 measuring to an extent of 1 Acre and 53 cents, Re.Survey No.9 measuring to an extent of 20 cents, in total, 1 acre and 73 cents of nanja lands situated in G.Pappankulam Village, Madurai North Taluk, Otthaakadai Sub-registration Office limit in Madurai District on 05.03.2014 by way of a registered sale deed in Document No.1027/2014 from one K.M.Kannan for a total sale consideration of Rs.3,46,000/-. From the date of purchase of the above said property, the petitioner is in possession and enjoyment of the same by paying property tax and patta is also transferred in the name of the petitioner. While the matter stood thus, the third respondent with an ulterior motive, executed a sale deed in favour of the fourth respondent in document No.1141 of 2011 by way of a sale deed in respect of the same property. Hence, the petitioner approached the first respondent and



submitted a complaint on 17.10.2014 with a request to cancel the bogus sale deed executed by the third respondent in favour of the fourth respondent in Document No.1141/2011. The first respondent has also taken up the complaint of the petitioner on file and issued a notice to the fourth respondent and despite the notice, the fourth respondent did not turn up for enquiry and paper notification was published in Malai Malar Tamil Daily, dated 22.02.2015 and even thereafter, the fourth respondent was not present for the enquiry on 09.03.2015. Therefore, the first respondent has passed an order based on the available records and thereby declared that, the registration of Document No.1141/2011 was annulled. Hence, the petitioner made a representation to remove the entries made in the records based on the fraudulent document Nos.1104/2011 & 1141/2011 from the encumbrance certificate available with the second respondent. Since the same was not considered so far, the petitioner has come forward with the present Writ Petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Government Advocate, who takes notice for R-1 and R-2. In view of the nature of order going to be passed in this Writ Petition, there is no need to issue notice to the third and fourth respondents.

5. Considering the submission made by the learned counsel for the petitioner, without going into the averments made in the Writ Petition, the second respondent is directed to consider the representation of the petitioner, dated 10.08.2015 and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties including the third and fourth respondents, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the respondents 1 and 2 to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Registrar(Administration),  
Madurai North, Madurai.

2.The Sub-Registrar,  
Otthakadai, Madurai.

+1cc to M/s.N.Sathish Babu, Advocate in SR.No.53917

W.P(MD).No.16663 of 2015  
14.09.2015

pm

PBK/AN-MP/SAR-II 16/09/2015 ::2P-4C:: (IT)