



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.2970 of 2017

WEB COPY

Sufal Kumar Biswas

... Petitioner

vs.

1.The District Registrar,
O/o.The District Registrar Office,
Dindigul, Dindigul District.

2.The Sub-Registrar,
O/o. The Sub-Registrar Office,
Natham, Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus by seeking an order or a direction by directing the respondents to dispose of the petitioner's application dated 11.08.2016 in respect of an Encumbrance entered by them in respect of his property, within a time frame as fixed by this Honourable Court.

For Petitioner	: Mr.M.Ponniah
For Respondents	: Mr. A.Muthukaruppan Addl. Government Pleader

O R D E R

The petitioner seeks for a Mandamus directing the respondents to dispose of his application, dated 11.08.2016 wherein and whereby he sought for raising the encumbrance made in the encumbrance Register maintained by the respondents, in respect of the property situated at Survey No.157/2A, measuring 1 Acre 35 cents.

2.Heard the learned counsel for the petitioner and perused the materials placed before this Court.

3.It is stated that the petitioner's vendor viz., one Kuttian purchased the property from one Vinoth by way of a sale deed, dated 01.02.2012 and in the encumbrance certificate issued by the respondent, it is stated that the said registration of the property is the subject matter of Economic Enforcement II, Crime No.5 of 2014 under Sections 406, 420 and 120(b) IPC and Section 5 of TANPID Act, 1997. The said Kuttian sold the property to the petitioner on 12.06.2014 and the certificate of encumbrance once again reflected the very same fact that the said property is the subject matter of the Crime No.05 of 2014. The contention of the petitioner before this Court is that he is not aware of any of those proceedings and such encumbrance was made without notice to him. The learned counsel for the petitioner, submitted that when the petitioner



purchased the property, he applied for encumbrance certificate which did not reflect such encumbrance as reflected in the present certificate.

4. In any event, if the petitioner is having any grievance, he has to proceed against his vendor in the manner known to law or to approach the TANPID Court and file application seeking for appropriate relief legally sustainable. Without doing so, filing the present writ petition is not maintainable.

5. Accordingly, this writ petition is dismissed by giving liberty to the petitioner to work out his remedy in the manner known to law in the proceedings pending before the TANPID Court.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To,

1. The District Registrar,
O/o. The District Registrar Office,
Dindigul, Dindigul District.

2. The Sub-Registrar,
O/o. The Sub-Registrar Office,
Natham, Dindigul District.

+1cc to M/S. THE SPECIAL GOVERNMENT PLEADER, SR NO:9659

rj2

sva/bs/06.03.2017/2p/4c

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