



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.25548 of 2021

and

W.M.P.No.26965 of 2021

1.G. Seetharaman
2.G. Thukkaram
3.K. Vijayakumar
4.K. Jayabalan

... Petitioners

Vs

1. The Registrar General Registration Department
Santhome High Road, Chennai.

2. The District Registrar
Registration Department
Thiruvannamalai District
Thiruvannamalai.

3. The Joint Sub Registrar No.11,
Sub-Registrar Office
Thiruvathipuram Taluk
Thiruvannamalai District.

4. K.R.Govindha Ragavalu
5. K.G.Meera Bai

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to strike of and cancel the encumbrances dated 04.12.2001 in respect of Survey Nos.86/A, 103/9A, 103/9B, 103/9C, 103/9D, 103/10 registered as document No.29 of 2001 and document No.30 of 2001 in the Village of Arukavoor, Cheyyar Taluk, Thiruvannamalai District.

For Petitioners : Mr.R. Chellamuthu

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader



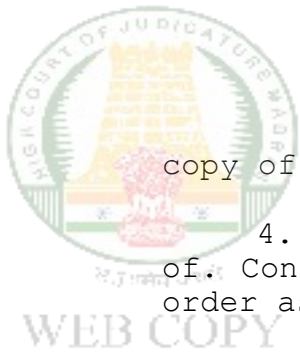
ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the third respondent to strike off and cancel the encumbrances dated 04.12.2001 in respect of Survey Nos.86/A, 103/9A, 103/9B, 103/9C, 103/9D, 103/10 registered as document No.29 of 2001 and document No.30 of 2001 in the Village of Arukavoor, Cheyyar Taluk, Thiruvannamalai District.

2. Heard, Mr.R.Chellamuthu, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3.

3. The case of the petitioners is that the petitioners are the owners of the property comprised in Survey Nos.86/A, 103/9D, 103/10 admeasuring to an extent of 1 acre 9 cents situated at Arukavoor Village, Cheyyar Taluk, Thiruvannamalai District and the property comprised in Survey Nos.86/A, 103/9A, 103/9B, 103/9C admeasuring to an extent of 1 acre 10 cents situated at Arukavoor Village, Cheyyar Taluk, Thiruvannamalai District. These properties were purchased by the petitioners by way of two sale deeds dated 11.06.2008 registered vide Document Nos.3453 & 3454 of 2008 on the file of the Sub Registrar Office, Thiruvathipuram, Cheyyar Taluk, Thiruvannamalai District. The petitioners' vendor purchased the said properties from one J.Kannan by a registered sale deed dated 06.02.2007 vide Document No.750 of 2007. When the petitioners applied for Encumbrance Certificate and came to know that the subject property is in attachment by an order of the Sub Court, Vellore in I.A.Nos.363 & 364 of 2001 in O.S.Nos.223 & 224 of 2021. These orders have been registered as Document No.29 of 2001 dated 04.12.2001 and Document No.30 of 2001 dated 07.12.2001. Therefore, the petitioners paid the claim amount to the plaintiffs in both the suits on 10.04.2021 and the same was duly acknowledged by them in the revenue receipts. Thereafter, the petitioners made a representation before the third respondent to strike off/cancellation of the encumbrances made in respect of the subject properties.

4. Considering the above, the third respondent is directed to verify the revenue receipts issued by the plaintiffs in both the suits in O.S.Nos.223 & 224 of 2001 and accordingly cancel the encumbrances dated 04.12.2001 in respect of Survey Nos.86/A, 103/9A, 103/9B, 103/9C, 103/9D, 103/10 registered as document No.29 of 2001 and document No.30 of 2001 in the Village of Arukavoor, Cheyyar Taluk, Thiruvannamalai District and conduct enquiry after issuance of notice to the petitioners and the fourth and fifth respondents, by giving them an opportunity of hearing shall pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a



copy of this order.

4. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Registrar General Registration Department
Santhome High Road, Chennai.
2. The District Registrar
Registration Department
Thiruvannamalai District
Thiruvannamalai.
3. The Joint Sub Registrar No.11,
Sub-Registrar Office
Thiruvathipuram Taluk
Thiruvannamalai District.

+lcc to Mr.A.Panneer chelvam, Advocate, S.R.No.63184

+lcc to the Government Pleader, S.R.No.63808

W.P.No.25548 of 2021 and
W.M.P.No.26965 of 2021

SRA(CO)
CT 21/01/2022