

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP. No. 9648 of 2022

R.Ramani

..Petitioner

Versus

The Sub Registrar,
Sub Registrar Office,
Periyanaickenpalayam,
Coimbatore.

..Respondent

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to remove the entry from the encumbrance certificate pertaining to document No.104/1994 with respect of the subject matter of property situated at S.F.No.765/2A Pillichchi Village, North Taluk, Periyanaickenpalayam, Coimbatore which absolutely belongs to the petitioner within a stipulated time period fixed by this Court.

For Petitioner : Mr. A.Parthasarathy

For Respondents : Mr. Yogesh Kannadasan, SGP
M/s.S.Vaitheeswari

ORDER

This writ petition is filed seeking direction to the respondent to remove the entry from the encumbrance certificate pertaining to document No.104/1994 with respect of the subject matter of property situated at S.F.No.765/2A Pillichchi Village, North Taluk, Periyanaickenpalayam, Coimbatore which absolutely belongs to the petitioner within a stipulated time period fixed by this Court.

2. The case of the petitioner is that the subject matter of the property ad-measuring an extent of 1.17 acre situated in S.F.No.765/2A, Pillichchi Village, North Taluk, Periyanaickenpalayam, Coimbatore, absolutely belongs to the petitioner and she purchased the property from one V.Narayanasamy vide sale deed dated 09.05.1991 in document No.1327/1991. In the revenue records, there were two wrong entries made in the petitioner's property in respect of S.F.No.765/2A. In order to remove the same, the petitioner has filed the present writ petition with the afore said prayer.

3. The learned Special Government Pleader appearing on behalf of the respondent, on instructions, submitted that there are two entries available in the encumbrance certificate one pertaining to a court decree in document No.104/1994 in respect

of the subject property, and another one is with respect to a mortgage deed. Without challenging those documents, the petitioner filed the present writ petition for removal of the said wrong entry in revenue records, which is not sustainable. The learned counsel further submitted that the respondents will furnish the original documents viz., Court decree and mortgage deed in respect of the above said property to the petitioner to enable her to work out her remedy in the manner known to law and prayed for dismissal of the writ petition.

4. Heard, the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents, and perused the materials available on record.

5. A perusal of the materials available on record, more especially the report of the respondent reveals that there is an attachment order from the Court in Document No.104/1994 and without removal of the said attachment, vide court order, the respondent has expressed his inability to accede to the removal of the entries from the revenue records. The above stand of the respondent is perfectly in order. In such view of the matter, this Court, on the basis of the fair stand taken by the learned AGP, directs the petitioner to take appropriate steps to work out her remedy before the appropriate court for removal of the order of attachment. The respondents are directed to give copies of the documents to the petitioner within a period of four weeks from the date of receipt of a copy of this order so as to enable the petitioner to take appropriate steps. However, liberty is granted to the petitioner to work out her remedy in the manner known to law and thereafter, submit necessary application for removal of entries from the revenue records.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Rli

To

The Sub Registrar,
Sub Registrar Office,
Periyankenpalayam,
Coimbatore.

+1cc to Government Pleader SR. No. 29693

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SR II (CO)
PR (01/06/2022)