



WEB COPY



W.P.No.27165 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27165 of 2022

Kappalmunusamy

... Petitioner

Vs.

1.The District Registrar,
Salem District,
Salem.

2.The Sub-Registrar,
Ayothiyapattinam,
Salem,
Salem District.

3.Ramasamy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider and pass orders on the representation of the petitioner dated 25.08.2022 to remove the entry of time bared sale agreement from the encumbrancer certificate in respect of petitioner's property in S.No. 35/2A to the extent of 0.12.0 Hectare situated at Maasi Naickenpatty Village, Vazhapadi Taluk, Salem District.



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For Petitioner : Mr.S.Doraiswamy
For Respondents : Mr.C.Kathiravan for R1 and R2
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to consider and pass orders on the representation of the petitioner dated 25.08.2022 to remove the entry of time bared sale agreement from the encumbrance certificate in respect of petitioner's property in S.No.35/2A to the extent of 0.12.0 Hectare situated at Maasi Naickenpatty Village, Vazhapadi Taluk, Salem District.

2.The case of the petitioner is that the petitioner entered into sale agreement with third party in the year 2013 and thereafter not proceeded with the sale agreement, however, till date, it appear as encumbrance and inorder to remove the said encumbrance, the petitioner made representation to the official respondents and since the same was not considered, has filed this writ petition.

3.The learned counsel appearing for the petitioner fairly submitted that there is no provision for the Sub – Registrar to delete the entries in the revenue records. Hence, this Court may grant



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liberty to the petitioner to file appropriate suit before the competent civil Court.

4.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioner to file appropriate suit before the competent civil Court. After decree, further liberty is granted to the petitioner to make appropriate application before the official respondents.

5.The writ petition is accordingly disposed of. No costs.

12.10.2022

pri
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The District Registrar,
Salem District,
Salem.

2.The Sub-Registrar,
Ayothiyapattinam,
Salem,
Salem District.

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M.DHANDAPANI,J.
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