



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6971 of 2022

and

W.M.P. (MD) .No.5324 of 2022

Kingsilin

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai - 600028.

2.The District Registrar,
Office of the District Registrar,
Virudhunagar District.

3.The Sub Registrar,
Sub Registrar Office,
Veeracholan Taluk,
Virudhunagar District.

4.Nodal Officer,
Retired Justice R.M.Lodha Committee,
SEBI Bhavan, BKC,
Plot No.C4-A, 'G' Block,
Bandra-Kurla Complex,
Bandra (East), Mumbai - 400051.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned encumbrance made by the third respondent office in the petitioner's deceased grandfather land namely Vethamuthu in Survey No.120, Patta No.447 to an extent of 2.57.50 Hectare in the Pudukottai Revenue Village, Manamadurai Taluk, Sivagangai District in the name of the fourth respondent without any legal rights for the same land in violation of the natural justice vide:18/2020, dated 17.10.2020 and set aside the same and consequently direct to allow further future encumbrance in the same land by the legal heirs of the same deceased in the third respondent office within a stipulated time that may be fixed by this Court.



For Petitioner : Mr.R.Senthil Kumar
for Mr.D.Ajayepriyan
For R-1 to R-3 : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

WEB COPY This Writ Petition has been filed challenging the impugned encumbrance made by the third respondent in the petitioner's property comprised in Survey No. 120, Patta No.447, measuring an extent of 2.57.50 Hectare situated at Pudukottai Revenue Village, Manamadurai Taluk, Sivagangai District in the name of the fourth respondent on 17.10.2020.

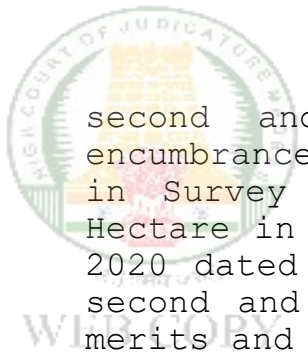
2. According to the petitioner, the petitioner and the other legal heirs of his deceased grandfather are the absolute owners of the aforementioned property. According to him, the District Munsif Court, Manamadurai in O.S.No.130 of 2011 by its judgment and decree dated 12.03.2012 declared the sale deed dated 19.01.2006 executed in favour of Santheef Ravoth as null and void and directed the Registration Department to remove the encumbrance. According to the petitioner, the fourth respondent is claiming rights only based on the sale deed dated 19.01.2006 standing in the name of Santheef Ravoth, which has already been declared to be null and void by the District Munsif Court, Manamadurai, as referred to supra.

3. According to the petitioner, though the sale deed dated 19.01.2006 standing in the name of Santheef Ravoth has been declared as null and void, encumbrance is still reflected in the encumbrance certificate with regard to the said document on 17.10.2020 vide Document No.18 of 2020. The petitioner has given a representation on 01.04.2022 to the fourth respondent calling upon them to remove the encumbrance bearing Document No.18 of 2020 dated 17.10.2020.

4. Though the petitioner has challenged the encumbrance vide Document No.18 of 2020 dated 17.10.2020 in this Writ Petition, at this stage, this Court cannot grant the same without hearing the fourth respondent. The only relief that can be granted by this Court is to direct the second and third respondents to consider the petitioner's representation seeking for removal of the encumbrance vide Document No.18 of 2020 dated 17.10.2020. Learned counsel for the petitioner has also agreed for the same.

5. However, as seen from the representation given earlier, the petitioner has given a representation only to the fourth respondent. Hence, he has to give a fresh representation to the second and third respondents for which the learned counsel for the petitioner agrees.

6. After recording the submissions made by the respective counsels and in view of the fact that no notice was given to the petitioner prior to recording the encumbrance, as stated supra, this Court directs the petitioner to submit a fresh representation to the



second and third respondents requesting them to remove the encumbrance made by the third respondent in the property comprised in Survey No.120, Patta No.447, measuring an extent of 2.57.50 Hectare in the name of the fourth respondent vide Document No.18 of 2020 dated 17.10.2020. On receipt of the said representation, the second and third respondents are directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the other legal heirs of his deceased grandfather as well as the fourth respondent including granting them the right of personal hearing, within a period of four (4) months thereafter. The petitioner is permitted to produce all the relevant documents/records/Court proceedings before the second and third respondents to substantiate his case.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

04/05/2022

Sub Assistant Registrar(CS)

Lm

To

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai - 600028.

2.The District Registrar,
Office of the District Registrar,
Virudhunagar District.

3.The Sub Registrar,
Sub Registrar Office,
Veeracholan Taluk,
Virudhunagar District.

+1 CC to M/s.D. AJAYE PRIYAN, Advocate (SR-18713[F] dated
13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18999[F] dated 18/04/2022)

W.P. (MD) .No.6971 of 2022
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SG (CO)

KB (05.05.2022) 3P 6C

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