



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.7475 of 2022

N.Arumugam

... Petitioner

vs.

1.The Inspector General of Registration,
Chennai.

2.The District Registrar,
Thiruchirapalli Registration District,
Thiruchirapalli District.

3.The Sub Registrar,
Office of the Sub Registrar,
Srirangam, Thiruchirapalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 herein to conduct through enquiry relating to the registration of Sale Agreement by one Balakrishnan on the file of the third respondent in document No.3197/2012 dated 02.11.2012 and to take action against the third respondent and further to direct the respondents 1 and 2 to direct the third respondent to remove the wrong entry in the encumbrance certificate dated 12.03.2020 within a time limit stipulated by this Court.

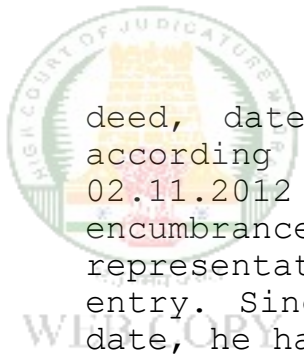
For Petitioner :Mr.N.Sudhagar Nagaraj

For Respondents :Mr.S.Shanmugavel
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to consider the petitioner's representation, dated 21.03.2022 seeking for removal of the alleged wrong entry of agreement of sale, dated 02.11.2012 registered as Doc.No.3197/2012 made in the encumbrance certificate within a time frame to be fixed by this Court.

2.According to the petitioner, he is the owner of the property measuring 3444 sqft., comprised in S.No.1934, situated at Ward No.2, Block No.40, Thimmarayasamuthiram, Srirangam Taluk, Trichy District. According to him, he purchased the same under a registered sale



deed, dated 03.11.2008 registered as Doc.No.3130/2008. However, according to him, without his knowledge, a sale agreement, dated 02.11.2012 bearing document No.3197/2012 is reflected in the encumbrance certificate. In such circumstances, he has given a representation on 21.03.2022 seeking for cancellation of the wrong entry. Since the said representation has not been considered till date, he has filed this Writ Petition.

3.Heard Mr.N.Sudhagar Nagaraj, learned Counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who takes notice on behalf of the respondents.

4.The petitioner has produced the copy of the sale deed, dated 03.11.2008 by which he became the absolute owner of the aforementioned property. He has also produced the copy of the registered sale agreement, dated 02.11.2012 for the very same property. According to him, without his knowledge, a wrong entry has been made in the encumbrance certificate, as if a sale agreement has been registered for the very same property on 02.11.2012. He seeks for removal of the wrong entry. He has given a representation on 21.03.2022 for the said purpose.

5.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing.

6.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation, dated 21.03.2022 seeking for removal of the alleged wrong entry of agreement of sale, dated 02.11.2012 registered as Doc.No.3197/2012 made in the encumbrance certificate and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and any other necessary party whom the second respondent deems fit to enquire within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

- 1.The Inspector General of Registration,
Chennai.
- 2.The District Registrar,
Thiruchirapalli Registration District,
Thiruchirapalli District.
- 3.The Sub Registrar,
Office of the Sub Registrar,
Srirangam, Thiruchirapalli District.

+1 CC to M/s.SPL.GP (SR-20103[F] dated 21/04/2022)

+1 CC to M/s.N. SUDHAGAR NAGARAJ, Advocate (SR-20170[F] dated 21/04/2022)

W.P. (MD)No.7475 of 2022
20.04.2022

RK(02/05/2022) 3P 6C