



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.22507 of 2021

Lavanya

... Petitioner

Vs .

1.The District Registrar,
Madurai,
Madurai District.

2.The Sub Registrar,
Sub Registrar Office,
Madurai North,
Othakadai,
Madurai District.

3.Saravanan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 25.10.2021 to remove the entry of sale agreement registered as in Document No.97 of 2015 dated 12.01.2015 in respect of the property comprised in Survey No.177/2B measuring about 39 cents situated at Uthangudi, Madurai from the encumbrance certificate.

For Petitioner	:	Mr.T.Lenin Kumar
For R-1 and R-2	:	Mr.J.John Rajadurai, Government Advocate.
For R-3	:	Mr.L.Shaji Chellan

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the petitioner's representation dated 25.10.2021 seeking for removal of the entry of the sale agreement registered as Document No.97 of 2015 dated 12.01.2015 in respect of the property comprised in Survey No.177/2B measuring to an extent of 39 cents situated at Uthangudi, Madurai from the encumbrance certificate and pass final orders within a time frame to be fixed by this Court.



2. It is the case of the petitioner that she is the absolute owner of the aforementioned property. It is her case that earlier she had entered into an agreement of sale dated 12.01.2015 with the third respondent, who had agreed to purchase the property from her. According to the petitioner, no sale deed has been registered in favour of the third respondent. According to her, even though the sale agreement dated 12.01.2015 has been cancelled by the petitioner in favour of the third respondent, in the encumbrance certificate for the subject property, the sale agreement dated 12.01.2015 is still reflected. In such circumstances, she has given a representation on 25.10.2021 to the official respondents seeking for removal of the encumbrance, namely, the sale agreement dated 12.01.2015 in the encumbrance certificate. Since her representation has not been considered till date, she has filed this Writ Petition.

3. Till date, no counters have been filed by any other respondents. The third respondent is also represented by a counsel. No prejudice would be caused to the respondents, if the petitioner's representation dated 25.10.2021 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the third respondent and any other necessary party, whom the second respondent deems fit to enquire.

4. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 25.10.2021 seeking for removal of the encumbrance, namely, the sale agreement registered as Document No.97 of 2015 dated 12.01.2015 in respect of the property comprised in Survey No.177/2B measuring to an extent of 39 cents situated at Uthangudi, Madurai from the encumbrance certificate and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the third respondent including granting them the right of personal hearing, within a period of three (3) months from the date of receipt of a copy of this order.

5. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS I)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

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To

1.The District Registrar,
Madurai,
Madurai District.

2.The Sub Registrar,
Sub Registrar Office,
Madurai North,
Othakadai, Madurai District.

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-18453[F] dated
13/04/2022)

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-18693[F] dated
13/04/2022)

**W.P. (MD) .No.22507 of 2021
12.04.2022**

MK/27.04.2022/3P/5C