



W.P.(MD).No.26059 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26059 of 2022

1.Vananmamalai Perumal
2.Murugan

... Petitioners

vs.

1.The Sub Registrar,
Kalakkadu
Nanguneri Taluk,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3.Chelladurai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the wrong entry found in the Encumbrance Certificate, in consonance with the judgment and decree passed in S.A.(MD).No.117 of 2010, dated 16.03.2022 and the petitioner's representation dated 18.05.2022 and 04.11.2022 in respect of the property comprised in



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S.Nos.34/6B, 34/7B, 336A situated at Padalayarkulam Village,
Nanguneri Taluk, Tirunelveli District.

For Petitioners : Mr.I.Sri Ranganathan
For R1 and R2 : M/s.S.Jeyapriya
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the wrong entry found in the Encumbrance Certificate, in consonance with the judgment and decree passed in S.A.(MD).No.117 of 2010, dated 16.03.2022 and the petitioner's representation dated 18.05.2022 and 04.11.2022 in respect of the property comprised in S.Nos.34/6B, 34/7B, 336A situated at Padalayarkulam Village, Nanguneri Taluk, Tirunelveli District.

2. The case of the petitioners is that the property in S.Nos.33/6A, 34/6B and 34/7B situated at Padalayarkulam Village, Nanguneri Taluk, Tirunelveli District originally belonged to the father of the first petitioner as well as the father of the second petitioner. The second petitioner's



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father executed a release deed on 17.10.1985 in favour of the second petitioner and others. On 05.01.1993, the first petitioner's father died leaving behind him as a legal heir. Hence, he is the owner of the said property and joint patta was also issued in favour of the petitioners and his brothers.

3. In such circumstances, the third respondent has filed a suit in O.S.No.120 of 2002 before the Additional District Munsif, Nanguneri for the relief of declaration and permanent injunction in respect of the properties mentioned supra against the petitioners. The said suit was dismissed on 24.02.2006. Against which, the third respondent has filed an appeal in A.S.No.134 of 2006 before the I Additional Sub-Court, Tirunelveli and the same was also dismissed on 31.10.2010. Aggrieved over the same, the third respondent has filed a second appeal in S.A. (MD)No.117 of 2010 before this Court and the same was also dismissed on 16.03.2022. Therefore, the petitioners are the absolute owners of the said property, by virtue of the judgment and decree passed in S.A(MD)No.117 of 2010. However, the encumbrance certificate



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continued in the name of the third respondent. Hence, the first petitioner has sent a representation dated 18.05.2022 to the respondents 1 and 2, seeking for removal of the wrong entry. Since no action has been taken, he has sent another representation dated 04.11.2022 through post. Despite the same, no action has been taken. Hence, the present writ petition is filed.

4. Heard Mr.I.Sri Ranganathan, learned counsel appearing for the petitioners and M/s.S.Jayapria, learned Government Advocate appearing for the respondents 1 and 2.

5. Considering the above facts, this Court directs the respondents 1 and 2 to consider the first petitioner's representation dated 04.11.2022 and to remove the wrong entry found in the encumbrance certificate, in respect of the property comprised in S.Nos.34/6B, 34/7B, 336A situated at Padalayarkulam Village, Nanguneri Taluk, Tirunelveli District, based on the judgment and decree passed in S.A.(MD).No.117 of 2010, dated 16.03.2022, within a period of twelve weeks from the date of receipt of a



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copy of this order.

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6. With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No

Internet: Yes/No

akv

To

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2. The Tahsildar,
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V.BHAVANI SUBBAROYAN,J.

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