



W.P.(MD)No.26340 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26340 of 2022

S.Vijaya

.. Petitioner

Versus

1.The Inspector General of Registration,
Tamil Nadu Registration Department,
Chennai.

2.The District Registrar,
The District Registration Office,
Theni,
Theni District.

3.The Sub-Registrar,
Andipatti Sub-Registration Office,
Andipatti,
Theni District.

4.B.Jackaiyan

.. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing respondents 1 to 3 to remove the name of the fourth respondent from the encumbrance certificate in respect of property in Survey Nos.30/4 and 30/5A of Rajathani Village, Andipatti Taluk, Theni District, by considering the representation of the petitioner, dated 13.10.2022, within a time frame that may be fixed by this Court.



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For Petitioner : Mr.S.C.Herold Singh

For Respondents 1 to 3 : Ms.S.Jayapriya
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing respondents 1 to 3 to remove the name of the fourth respondent from the encumbrance certificate in respect of properties in Survey Nos.30/4 and 30/5A of Rajathani Village, Andipatti Taluk, Theni District, by considering her representation, dated 13.10.2022, within a time frame

2. Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Ms.S.Jayapriya, learned Government Advocate, who takes notice for the respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the fourth respondent is dispensed with.

4. According to the learned counsel for the petitioner, the petitioner purchased the properties in Survey Nos.30/4 and 30/5A, measuring an extent of 0.12.00 and 0.51.00 Hectares respectively, situated at Rajathani Village,



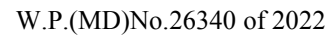
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Andipatti Taluk, Theni District, through a registered sale deed executed by the learned Sub-Judge, Theni, based on the order passed in E.P.No.278 of 2008.

Thereafter, she is in possession and enjoyment of the property. While so, she entered into an agreement of sale of the property with the fourth respondent on 03.08.2020, for a sum of Rs.12,66,580/- and the fourth respondent paid a sum of Rs.7,00,000/- as advance. However, he failed to pay the remaining amount and got the sale deed executed in his favour and he has also not agreed to cancel the sale agreement. Hence, after the expiry of the time specified in the sale agreement, the petitioner sent a representation dated 13.10.2022, to the respondents 1 to 3 to remove the name of the fourth respondent in the encumbrance certificate in respect of the properties in question. However, the respondents 1 to 3 have not considered the request of the petitioner so far. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

5. The learned Government Advocate appearing for the respondents 1 to 3 submitted that the representation of the petitioner, dated 13.10.2022, would be considered and appropriate order would be passed, within a time frame to be fixed by this Court.

6. Recording the submission made by the learned Government Advocate appearing for the respondents 1 to 3, this Court, without going into the merits



7. This Writ Petition stands disposed of with the above direction. No

22.11.2022

3.The Sub-Registrar,
Andipatti Sub-Registration Office,
Andiapatti,
Theni District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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