



W.P.No.25414 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.25414 of 2022

1. R.Venkatachalam

2. Shabbir Y.Imani

.. Petitioners

Vs.

1. Indian Bank

Rep. by its Chief Manager
Chiniyampalayam Branch
1/202, Avinashi Road
Coimbatore 641 045.

2. Indian Bank

Rep. by its Zonal Manager
SAMV Branch
1st Floor, 31, Variety Hall Road
Coimbatore 641 001.

3. SBI Factors and Commercial Services Pvt Ltd

1057, 4th Floor, Jaya Enclave
Avinashi Road
Coimbatore Central
Coimbatore 641 018.

4. A.Ramalingam

5. R.Chandran



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6. The Sub Registrar
Madukkarai SRO
Gandhi Nagar, Madukkarai
Coimbatore 641 105.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 to execute and register a Rectification deed in respect of the sale certificate vide document No.1007 of 2016 issued to the 5th respondent dated 03.02.2016 excluding petitioners' property measuring extent of 1.26 acres situated at S.F.No.71/9, Malumichampatti Village, Coimbatore South Taluk, which is covered under petitioners' sale deed vide document No.4648/2006 dated 01.11.2006 on the file of the 6th respondent, by considering the petitioners' representation dated 31.05.2022 and 02.06.2022.

For the Petitioners : Mr.R.Prabakar

For the Respondents : Mr.Jayesh B.Dolia
Senior Counsel
For M/s.Aiyar & Dolia
for Respondents 1 & 2

Mr.C.Deivasigamani
for Respondent-4

Mrs.R.Anitha
Special Government Pleader
for Respondent-6

No appearance -
for Respondents 3 & 5



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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Prabakar, learned counsel for the petitioners, Mr.Jayesh B.Dolia, learned Senior Counsel for M/s. Aiyar & Dolia, for the respondents 1 & 2, Mr.C.Deivasigamani, learned counsel for the fourth respondent and Mrs.R.Anitha, learned Special Government Pleader for the sixth respondent.

2. Learned counsel for the petitioners submits that the respondents 1 and 2 be directed to execute and register rectification deed in respect of the sale certificate issued vide document No.1007 of 2016 dated 03.02.2016. The same is issued in favour of the fifth respondent.

3. According to the petitioners, the property measuring 1.26 acres situated in S.F.No.71/9, Malumichampatti Village, Coimbatore South Taluk, is wrongly included.

4. Learned counsel for the respondents 1 and 2 accepts that a rectification deed is required to be executed as the mistake has



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occurred in the registration of sale certificate as well as mortgage. The respondent bank would take steps to execute and register the rectification deed.

5. In view of the aforesaid statement, the writ petition stands disposed of. There will be no order as to costs. W.M.P.No.24393 of 2022 filed for permitting the petitioners to file a single writ petition is allowed and disposed of.

6. W.M.P.No.23018 of 2023 is filed for impleadment. The person seeking impleadment is a legal heir of the fifth respondent. It is submitted that her father has wrongly sold the property. She has already filed a civil suit. It is for the said person to seek necessary relief in the said civil suit. Accordingly, W.M.P.No.23018 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

19.09.2023

Index : Yes/No
Neutral Citation : Yes/No
kpl



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To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(kpl)

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