



W.P.No.29483 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.29483 of 2023

P.Allimuthu

... Petitioner

Vs.

1.The Sub Registrar,
Mangalampet,
Cuddalore District.

2. Rajalakshmi
(power agent of Arul alias Arumugam)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other Writ or order or direction in the nature of Writ, directing the first respondent to remove the entry in the Encumbrance Certificate in Doc.No.8/2010 with regard to the E.P.No.18 /2010 in Survey No.25/2 and 26/2A1.

For Petitioner : Mr.A.Ashvathaman

For R1 : Mr.Yogesh Kannadasan
Special Government Pleader

For R2 : Mr.Ramaraj



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ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the first respondent/Sub Registrar, Mangalampet to remove the entry in the Encumbrance Certificate in Doc.No.8/2010 with regard to E.P.No.18 /2010 in Survey Nos.25/2 and 26/2A1.

2. It is the contention of the petitioner that he is the bonafide purchaser of the property. The second respondent obtained an order in O.S.No.275 of 2005 on the file of the Principal Sub Court, Vridhachalam, against the earlier owner of the property. He has also filed E.P.No.18 of 2010 and the same was entered in the Encumbrance Certificate in Doc.No.8/2010 on the file of the Sub Registrar, Mangalampet. Though the petitioner had no connection with the loan borrowed by the earlier owner from the second respondent, he settled the loan to the second respondent on 15.09.2014. Subsequently, he approached the first respondent/Sub Registrar to remove the entry in the Encumbrance Certificate in Doc.No.8/2010 in respect of E.P.No.18 /2010. The first respondent refused to delete the entry in the Document No.8/2010. Hence, he has filed the present writ petition.



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3. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

4. On a perusal of the records, it is seen that the property was attached in E.P.No.18 of 2010 in O.S.No.275 of 2005 on the file of the III Additional District and Sessions Court at Virudhachalam and the intimation was sent to the Registrar of the Registration Department. Hence, the first respondent made an entry in the Encumbrance Certificate. The petitioner has stated that he is a bonafide purchaser. Once the Court attached the property and if the petitioner has settled the entire amount, he has to file a petition before the concerned Court where the attachment was made, for raising attachment. Instead of doing the same, the petitioner made a representation before the Registrar to remove the entry in the Encumbrance Certificate.



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5. At this juncture, the petitioner is not entitled to get the relief as sought for in the writ petition. The Writ Petition is dismissed. No costs. However, the petitioner is at liberty to workout his remedy in the manner known to law by filing a petition for raising attachment before the Court concerned.

11.10.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The Sub Registrar,
Mangalampet,
Cuddalore District.



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P.VELMURUGAN, J.

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