



W.P(MD)No.1817 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1817 of 2023

Suriyanarayanan

... Petitioner

Vs.

The Joint II Sub Registrar,
Pattukkottai,
Thanjavur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to remove the entries namely Document Nos.3 of 2007 and 6 of 2007 relating to the petitioner's property bearing Survey No.55/3 of Nadiyambalpuram, Pattukkottai, Thanjavur District within a time frame fixed by this court.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.N.Satheeskumar,
Addl. Government Pleader.



W.P(MD)No.1817 of 2023

ORDER

WEB COPY

Heard the learned counsel on either side.

2.The case of the writ petitioner is that one Maragatham filed a suit for specific performance in O.S.No.10 of 1997 on the file of Sub Court, Pattukkottai and the suit was eventually dismissed. Questioning the same, the said Maragatham file A.S.No.50 of 2000 before the High Court. She obtained an injunction order in C.M.P.(MD)No.2479 of 2000. The said injunction order was duly entered in the encumbrance register. The learned counsel for the petitioner points out that the appeal suit itself was dismissed on 22.10.2018 and the judgment and decree passed by the trial Court was confirmed. He would further point out that the said appellate decree has become final. Since the petitioner is unable to deal with the property, he wants this Court to direct the respondent to remove the entry made in the encumbrance register.

3.The prayer sought for is misconceived. All that the petitioner needs to do is to register the decree rendered in A.S.No.50 of 2000. That would more than meet the writ petitioner's requirement. If the petitioner files certified copy of the decree in A.S.No.50 of 2000, the same shall be registered by the respondent without invoking Section 23 of the Registration Act.



W.P(MD)No.1817 of 2023

WEB COPY

4. With this liberty to the writ petitioner and direction to the respondent,
the writ petition is disposed of. No costs.

31.01.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

ias

To:

The Joint II Sub Registrar,
Pattukkottai,
Thanjavur District.



WEB COPY



W.P(MD)No.1817 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.1817 of 2023

31.01.2023