



W.P(MD)No.2299 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2299 of 2023

A.Madhavan

... Petitioner

Vs.

1.The District Registrar,
Madurai District,
Othakadai,
Madurai – 625 107.

2.The Sub Registrar,
Alanganallur Sub Registrar Office,
Alanganallur,
Madurai District.

3.Muthu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to cancel the expired Sale agreement in Document No.4025/2015 dated 03.11.2015 and remove the same from the Encumbrance Certificate with regard to Plot No.47, Re-Survey No.72/3 and 72/4, situated at Pannaikudi Village, Vadipatti Taluk, Madurai District based on his representation dated 29.07.2022.



W.P(MD)No.2299 of 2023

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.

2.The petitioner had entered into a sale agreement with the third respondent. The case of the petitioner is that the sale agreement period had already been expired. He, therefore, wants the registering authority to remove the entry made in the encumbrance register.

3.Such a relief cannot be granted. If according to the petitioner, the sale agreement has become incapable of enforcement, then he can very well go ahead. The registering authorities at the instance of one of the parties cannot proceed to remove the entry made in the encumbrance register. The petitioner will have to establish his case elsewhere.



W.P(MD)No.2299 of 2023

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4.The writ petition is dismissed accordingly. No costs.

06.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

1.The District Registrar,
Madurai District,
Othakadai,
Madurai – 625 107.

2.The Sub Registrar,
Alanganallur Sub Registrar Office,
Alanganallur,
Madurai District.



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