



W.P.(MD).No.12129 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12129 of 2023

V.Udhayakumar

... Petitioner

Vs.

1.The Deputy Registrar General,
Registration Department, South Zone,
Ramanathapuram.

2.The District Registrar,
District Registration Office,
Karaikudi,
Sivagangai District.

3.The Sub-Registrar,
Sub-Registrar Office,
Ponnamaravathi,
Pudukkottai District.

4.Kuppan Ambalam

5.Duraisamy

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to



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remove the survey No.243/13 in Document No. 482 of 1985 registered in the office of the third respondent office by considering the petitioner's representation dated 05.03.2023.

For Petitioner : Mr.R.Sivalingam

For Respondents : Mr.J.K.Jeyaseelan - for R1 to R3
Government Advocate

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction to the respondents to remove the survey No.243/13 in Document No. 482 of 1985 registered in the office of the third respondent office by considering the petitioner's representation, dated 05.03.2023.

2. On 25.05.1995, patta was granted in the name of petitioner's father Viswanathan in respect of the property in S.F.No.243/13 in Patta No. 1505 to an extent of 0.45.00 hectares situated in petitioner's village. Thereafter, on 26.03.1985, the fourth respondent executed a sale deed in favour of the fifth respondent and the same was registered in the third respondent office as Document No.482 of 1985. The property in S.F.No.



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253/3 lies adjacent to the petitioner's land. Without mentioning the above said survey number, it was wrongly mentioned as S.F.No.243/13 in the sale deed. The petitioner is unable to obtain loan from the Bank. Hence, the petitioner sent a representation, dated 05.03.2023 to the respondents. Since so far no action has been taken, the present writ petition came to be filed.

3.Per contra, learned Government Advocate for the respondents 1 to 3 submitted that the representation of the petitioner, dated 05.03.2023 has already been considered and he is required to produce the Encumbrance Certificate and the copy of 'A' register with respect to the subject property and on production of the same, the representation will be considered.

4.Considering the facts and circumstances of this case, this Court, without going into the merits of the case, directs the petitioner to produce the Encumbrance Certificate and the copy of the 'A' register with respect to the subject property and other requisite documents before the respondents herein within a period of three weeks from today, and on production of the same, the respondent shall consider the petitioner's representation dated 05.03.2023 on its own merits and in accordance with



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law and pass appropriate orders, as expeditiously as possible, preferably, within a period of six (6) weeks thereafter.

5. With the above direction, the Writ Petition stands disposed of. No costs.

18.05.2023

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

RM



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To

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L.VICTORIA GOWRI, J.

RM

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