



W.P.(MD).No.20569 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD). No.20569 of 2023

Arumugakumar

... Petitioner

Vs.

1. The Sub-Registrar,
O/o.The Sub-Registrar,
Thirumayam,
Thirumayam Taluk,
Pudukottai District.

2.Vellaisamy

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to remove the encumbrance regarding Document No.2305/2007 on the file of the first respondent dated 03.07.2007 in respect of the petitioner's property in Survey No.657/1L, Thekkattur Revenue Village, Thirumayam Taluk, Pudukottai District, in the light of the judgment and decree dated



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10.07.2015 in O.S.No.83 of 2009 on the file of the learned District Munsif, Thirumayam, within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.M.Sarangan
Additional Government Pleader
for R1
No-appearance for R2

ORDER

The petitioner, with a grievance that his application for recording the civil Court decree passed in O.S.No.83 of 2009 by the learned District Munsif, Thirumayam, in the Encumbrance relating to the property in Survey No.657/1L, Thekkattur Revenue Village, Thirumayam Taluk, Pudukottai District, has not been considered by the first respondent, has filed this Writ Petition.

2. The petitioner's sale deed dated 11.03.2005 registered as Document No.417 of 2005 was unilaterally cancelled by the petitioner's vendor. Challenging the same, the petitioner has filed a civil suit in O.S.No.83 of 2009 before the District Munsif Court, Thirumayam,



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wherein, the Sub-Registrar was also a party. The civil Court, after hearing all the parties, has passed a decree in favour of the petitioner, setting aside the cancellation deed dated 03.07.2007, vide its decree, dated 10.07.2015. Thereafter, the petitioner has made a request to record the decree and restore the sale deed on file by representations, dated 31.08.2018 and 01.07.2023. However, the same have not been considered. Hence, the present Writ Petition has been filed.

3. The learned Additional Government Pleader appearing for the first respondent submits that a copy of the decree has not been enclosed along with the representations and therefore, further decision could not be taken.

4. In view of the submissions made by both sides, the petitioner is directed to submit a fresh representation along with a copy of the judgment and decree passed in O.S.No.83 of 2009 by the learned District Munsif, Thirumayam, on 10.07.2015, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to carry out necessary amendment in the



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Encumbrance within a period of two weeks thereafter.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

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Index: Yes/No
Internet: Yes/No
ssb

To

The Sub-Registrar,
O/o.The Sub-Registrar,
Thirumayam,
Thirumayam Taluk,
Pudukottai District.



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B.PUGALENDHI, J.

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