



W.P.(MD) No.21376 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.21376 of 2021

Sterling Holiday Resorts Ltd.,
Rep. by its Vice President-legal,
S.Ramesh, 236, Okhiyampettai,
OMR, Thoraipakkam,
Chennai 600 097.

... Petitioner

Vs.

1.The District Registrar,
Dindigul District,
Dindigul.

2.The Sub-Registrar,
Kodaikanal,
Dindigul District.

3.R.Ilangovan,
S/o.S.R.Rangaraj

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to remove the entry of Exparte Decree and Judgment in O.S.No.34 of 2004 dated 11.11.2014, on the file of the Sub Registrar Office, Kodaikanal, from the records of Registration Department based on the petitioner's representation dated 30.09.2021 within a stipulated period fixed by this Court.



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For Petitioner : Mr.I.Sam Jegan
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.S.Anandchandrasekar
for M/s.Saivabhauman Associates

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to remove the entry that has been made in the Encumbrance Certificate regarding the *exparte* Judgment and Decree passed in O.S.No.34 of 2004 dated 11.11.2014 on the ground that the said *exparte* Decree was set aside and ultimately the suit itself was dismissed for default on 29.09.2021.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the first and second respondents and the learned counsel for the third respondent.

3. In the considered view of this Court, there is no question of removing the entry made in the Encumbrance Certificate. If the *exparte* Decree has been set aside and the suit subsequently was dismissed for



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default, the relevant order can be placed before the second respondent.

The second respondent after issuing notice to the third respondent shall act upon the same within a period of 4 weeks from the date of receipt of a copy of the said order.

4. This Writ Petition is disposed of in the above terms. There shall be no order as to costs.

20.11.2023

Index: Yes/ No
Neutral Citation: Yes / No
Speaking order / Non-Speaking order
JEN

To

1.The District Registrar,
Dindigul District,
Dindigul.

2.The Sub-Registrar,
Kodaikanal,
Dindigul District.



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N.ANAND VENKATESH, J.

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