



W.P(MD)No.29164 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29164 of 2023

S.Gopal

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The Deputy Inspector General of Registration,
Rajakambeeram, Y.Othakadai, Madurai.

3.The District Registrar,
District Registrar Office,
Rajakambeeram,
Y.Othakadai,
Madurai.

4.The Sub Registrar,
Thamaraipatti Sub Registrar Office,
Chittampatti,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3 and 4 respondents herein to remove / delete the encumbrance entry



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pertaining to registered sale agreement dated 03.11.2003 vide Doc.No.4676 of 2003 and the lease deed dated 03.02.2004 vide Doc.No.374/2004 with respect to S.No.3/3 to an extent of 1.40 Acres, S.No.28/1 to an extent of 2.45 Acres and S.No.27/3 to an extent of 2.73 Acres in Mangulam Village, Madurai North Taluk, Madurai District by considering the petitioner's representation dated 08.11.2023 and pass appropriate orders within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.C.Satheesh,
Government Advocate.

ORDER

Heard both sides.

2.The prayer in the writ petition is misconceived. The real apprehension of the petitioner is that the registering authority has refused to register the document of sale presented by the writ petitioner.



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3.The reason said to have been cited by the registering authority is that the encumbrance certificate reflects existence of a registered sale agreement as well as registered lease agreement.

4.The fourth respondent is probably having in mind the first Provisio to Rule 55-A of the Tamil Nadu Registration Rules. The fourth respondent is probably not aware of the fact that the first provisio had already been struck down by the Madras High Court in the decision reported in ***(2023) 1 Writ LR 148 (The Federal Bank Ltd., Rep. by its Senior Manager, LCRD, Coimbatore Division, No.21Variety Hall Road, Coimbatore-641001. Vs. The Sub Registrar, Office of Sub Registrar, Pollachi, No.104,Taluk Office Campus, Coimbatore Road, Pollachi-642001 and Others)***. Therefore, reflection of the registration of the registered sale agreement of the year 2003 and the registered lease agreement of the year 2004 shall not come in the way of entertaining any document that may be presented by the writ petitioner. I make it clear that the petitioner will have to necessarily adhere to the other statutory and procedural formalities of registration.



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5. With this observation and liberty to the petitioner, this writ petition is disposed of. No costs.

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

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Santhome High Road, Chennai.
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District Registrar Office,
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G.R.SWAMINATHAN, J.

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