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W.P.No.6040 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.6040 of 2019

K.Jayarani

... Petitioner

Vs.

1.The District Registrar (Administration),
Deputy Registrar General Office,
Tiruppur District.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Palladam, Tiruppur District.

3.Shanthi

4.Rajamani

*(R3 and R4 are impleaded vide order dated 02.04.2019 made in
W.M.P.No.9657 of 2019 in W.P.No.6040 of 2019 by KRCBJ)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to consider the representation dated 27.08.2018 and to remove the entry in encumbrance certificate of registered sale agreement dated 27.11.2008 vide Doc.No.17821/2008 in respect of S.F.308/2 with extent of 2.94 ½ Acres situated at Pongalur Panchayat Union, Tiruppur Taluk, Palladam Sub-Registrar Office, Tiruppur District Registrar Office.



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For Petitioner : Mr.P.Saravanan

For Respondents 1 & 2 : Mr.B.Vijay,
Additional Government Pleader

For Respondents 3 & 4 : No Appearance

ORDER

The petitioner has filed this petition seeking direction to the respondents to consider the representation dated 27.08.2018 and to remove the entry in encumbrance certificate of registered sale agreement dated 27.11.2008 vide Doc.No.17821/2008 in respect of S.F.308/2 with extent of 2.94 ½ Acres situated at Pongalur Panchayat Union, Tiruppur Taluk, Palladam Sub-Registrar Office, Tiruppur District Registrar Office.

2. The case of the petitioner is that the petitioner's father has purchased a land of S.F.308/2 with an extent of 2.94 ½ Acres situated at Pongalur Panchayat Union, Tiruppur Taluk, Palladam Sub-Registrar Office, Tiruppur District Registrar Office on 08.09.1993, which was registered as Doc.No.2149/1993 in the second respondent's office. This being so, the third respondent viz., Shanthi has entered into the sale agreement with the petitioner's father for the subject matter property and the sale consideration is Rs.6,00,000/-. In the said amount, an advance of Rs.1,00,000 has been paid



and a balance amount of Rs.5,00,000/- would be settled within 6 months.

However, the same was not paid. Thereafter, the third respondent has approached the petitioner's father as she was not able to pay the balance of Rs.5,00,000/-. Instead of returning a sum of Rs.1,00,000/-, the petitioner's father sold 50 cents to fourth respondent viz., Rajamani, who is the husband of the third respondent.

2.1. Subsequently, the respondents 3 & 4 has filed a suit in O.S.No.46 of 2011 to grant permanent injunction for pathway on the file of District Munsiff at Tiruppur, which was re-numbered as O.S.No.48 of 2013. However, the same was dismissed for default on 25.06.2018. Thereafter, the petitioner has given a representation dated 27.08.2018 to the respondents 1 & 2 to remove the entry in encumbrance certificate of registered sale agreement dated 27.11.2008. However, till date no order has been passed by the respondents 1 & 2. Hence, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court



issues direction to the respondents to consider the petitioner's representation dated 27.08.2018 and pass appropriate orders on merits and in accordance with law, within a particular time frame to be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 & 2 has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court issues the following directions:

(i) The second respondent is directed to consider the petitioner's representation dated 27.08.2018 on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

(ii) If the petitioner's representation dated 27.08.2018 is considered in



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favour of the petitioner then, the second respondent is at liberty to take action to correct the entries made in the encumbrance certificate.

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7. This Writ Petition is disposed of with the aforesaid observation and directions. No costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

1.The District Registrar (Administration),
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Palladam,
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J.SATHYA NARAYANA PRASAD,J.

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