



W.P. No.11249 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.11249 of 2024

K.Boopalan

... Petitioner

Vs

1.The Inspector General of Registration
Santhome, Mylapore
Chennai

2.The Deputy Inspector General of Registration
Vellore Zone
Vellore

3.The District Registrar
Cheyyaru
Thiruvannamalai District
Tamil Nadu

4.The Registrar
Vembakkam Register Office
Thiruvannamalai District

5.S.Saravanakumar

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents 1 to 4 to cancel the sale agreement in Document No.347/2019, Vembakkam SRO, Thiruvannamalai District dated 01.03.2019.

For Petitioner : Mr.K.Manikandan

For Respondents : Mr.P.Anandhakumar
Govt. Advocate for R1 to R4
R5 - Court notice returned

ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 4 to cancel the sale agreement registered as Document No.347 of 2019 on the file Vembakkam SRO, Thiruvannamalai District.

2. It is the case of the writ petitioner that he has entered into a sale agreement with one Boopalan for sale of his properties and the agreement was registered on 01.03.2019. An advance sale consideration of Rs.50.00 Lakhs has been received by the writ petitioner. During the existence of the said agreement, the agreement holder was arrested by the police in connection with



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an alleged crime under Section 409, 420 r/w 34 IPC. The sale agreement was also seized by the Investigating Agency and produced before the concerned court. Thereafter, the petitioner has filed a criminal revision case before this court in Crl. R.C. No.146 of 2022 wherein this court has disposed of the criminal revision case holding that there cannot be any hindrance entering into any transaction in respect of the property and observed that the offence registered against the agreement holder is not connected to the property of the petitioner. The petitioner has also pursuant to the order of this court, has deposited Rs.50.00 Lakhs advanced to him by the fifth respondent before the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai and also received the document. Now, the grievance of the petitioner is that the sale agreement entry is reflected in the encumbrance certificate.

3. Heard both sides and perused the materials available on record.

4. At the outset, this court is of the view that a mere entry relating to the sale agreement will not be a bar for the petitioner to deal with his property. The entry is retained in the encumbrance certificate only to show the nature of transaction. Therefore, the mere entry reflected in the encumbrance certificate



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in respect of the sale agreement will not be a bar for alienating the property or executing any document by the petitioner. Therefore, the question of cancelling the agreement by the registering authority does not arise at all. It is also made clear that a mere entry in the encumbrance certificate relating to the agreement entered in the year 2019 will not be a bar for the petitioner to deal with the property. He can very well deal with his property, in whatsoever manner he likes.

5. With the above observation, the writ petition is disposed of. No costs.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Inspector General of Registration
Santhome, Mylapore
Chennai

2.The Deputy Inspector General of Registration
Vellore Zone
Vellore



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3.The District Registrar

Cheybaru

Thiruvannamalai District

Tamil Nadu

4.The Registrar

Vembakkam Register Office

Thiruvannamalai District

5.The Government Pleader

High Court, Madras



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N.SATHISH KUMAR, J.

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