



WEB COPY



WP.No.11464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11464 of 2023

1.R.Rajan
2.Kalamani
3.R.Sathappan
4.S.Thangamani
5.S.Santhosh Kumar

.. Petitioners

Versus

1.Joint Sub-Registrar II
Jail Hill Taluk Office Compound
Udhagamandalam – 643 001

2.H.J.Jude Arul Doss

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to remove the entry of the Sale Agreement registered as Doc.No.1002/2017 dated 28.11.2017 on the file of the first respondent, i.e., the Joint Sub Registrar, Udhagamandalam as an encumbrance on the property.

For Petitioner : Mr.Hashwatha.N
for M/s.G.R.Associates

For Respondents : Mr.B.Vijay for R1
Additional Government Pleader
Mr.S.Prem Auxilian Raj for R2



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ORDER

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By consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition has been filed to remove the entries relating to the sale agreement entered into between the petitioner and the second respondent.

3. Now, it is brought to the notice of this Court in a pending suit in O.S.No.49 of 2023 on the file of District Court, Udhagamandalam, it is agreed by the petitioner to refund the advance sale consideration within a period of three months. In the event, the amount has not been paid as agreed, the same will carry interest at the rate of 12% p.a. In this regard, he has given evidence on 23.04.2024 which is also placed before this Court.

4. Heard both sides and perused the materials placed on record.

5. Such view of the matter, this Court is of the view that direction to the first respondent to remove the entries is not at all warranted. Even the entries relating to the sale agreement reflected in the encumbrance, the same will not



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bar for further transaction in respect of same property. This has been held authoritatively by the Division Bench of this Court in the case of *N. Ramayee v Sub-Registrar*, reported in (2020) 6 CTC 697.

6. With the above, this writ petition stands disposed of.

24.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

Joint Sub-Registrar II
Jail Hill Taluk Office Compound
Udhagamandalam – 643 001



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N. SATHISH KUMAR, J.

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