



WEB COPY



W.P.No.17327 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.17327 of 2024

AND

W.M.P.No.19110 of 2024

1.K.Venkatachalam
2.G.Balasubramaniam

.. Petitioners

Vs

1.The Inspector General of Registration
Registration Department
Santhome High Road
Chennai 600 028

2.The District Registrar
Salem Registration District
Salem

3.The Jt.I Sub Registrar
Ammapettai Sub Registrar Office
Ammapettai, Salem West

4.The Sub Registrar
Sub Registrar Office
Ayothipattinam, Salem

5.The Village Administrative Officer
Chinnanoor, Salem



W.P.No.17327 of 2024

6.M.Mandhiri

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd respondent to consider and pass orders on the petitioner's representation dated 26.02.2024 to cancel the fraudulent document in respect of the property-all that piece and parcel of the land comprised in S.No.11/7A of Chinnanoor Village, Salem Taluk and District measuring an extent of 516½ sq.ft. in accordance with law within a stipulated time that may be fixed by this Court.

For Petitioners	:	Mr.K.Kalaikovan
For R1 to R5	:	Mr.Stalin Abhimanyu Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the 3rd respondent to cancel the fraudulent document No.1146 of 2015, in respect of the property in S.No.11/7A of Chinnanoor Village, Salem Taluk, measuring an extent of 516½ sq.ft., by disposing of the petitioners representation dated 26.02.2024.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents 1 to 5 and perused the materials placed on record.



W.P.No.17327 of 2024

3. According to the petitioners, they purchased the subject property in the year 2023 *vide* document No.6763 of 2023 and also obtained joint patta in their favour. While so, the petitioners came to know that in respect of the said subject property, there was a partition deed executed on 13.03.2015 between the 6th respondent and his family members. In this regard, the petitioners submitted a representation dated 26.02.2024 to the 3rd respondent to remove the entry reflected in the encumbrance certificate. Since no action was taken by the 3rd respondent on the said representation, the present writ petition has been filed with the above prayer.

4. It is relevant to note that the partition deed was registered in the year 2015 and the petitioners claimed that they have purchased the subject property in the year 2023. Thus, such entry cannot be removed by the revenue authorities from the encumbrance certificate and it is for the petitioners to workout their remedy in the appropriate civil Court to establish their title.

With the above observation, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

03.07.2024

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Index : Yes/No

Neutral Citation : Yes/No



WEB COPY



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N.SATHISH KUMAR, J.

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To

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