



WEB COPY

W.P.No.19488 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19488 of 2024

Valliammal

...

Petitioner

versus

1.The District Registrar,
Registration Office,
Krishnagiri District.

2.The Sub Registrar,
The Sub Registrar Office,
Uthangarai,
Krishnagiri District.

3.Arjunan

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider and pass orders on the petitioner's representation dated 13.06.2024 and with regard to removing erroneous entry in the registration of the document in D.No.1693/2022 dated 09.03.2022 and wrong entry in the Encumbrance Certificate belongs to the petitioner's property in Survey No:71/2A an extent of 0.43 cents is situated at Komampatti Village, Uthangarai Taluk, Krishnagiri District by the second respondent.



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For Petitioner : Mr.P.M.Jayachandran
For Respondent Nos.1 & 2 : Mr.M.Shajahan
Special Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to direct the second respondent to consider the petitioner's representation dated 13.06.2024.

3. It is the grievance of the writ petitioner that the adjacent land owner obtained an *ex parte* decree and included the petitioner's survey number and registered the same in the encumbrance. Therefore, she seeks to cancel the entry in the encumbrance.

4. At the outset, this Court is of the view that such exercise cannot be done by the authorities because the decree has already been obtained by the third party in respect of particular survey number. If at all



the petitioner is aggrieved over such decree, she ought to have challenged the decree in the manner known to law.

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5. Such being the position, when the authorities have no power to remove the entries in the encumbrance that have been entered on the basis of the civil court decree, the direction as sought by the petitioner cannot be issued. It is for the petitioner to work out her remedy by filing an appropriate suit in the civil court.

6. Accordingly, this Writ Petition is dismissed. No costs.

19.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1.The District Registrar,
Registration Office,
Krishnagiri District.

2.The Sub Registrar,
The Sub Registrar Office,
Uthangarai,
Krishnagiri District.

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N.SATHISH KUMAR, J.

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