



WEB COPY



WP.No.20673 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.20673 of 2024

1.V.Sivakumar

2.V.Parameshwaram

.. Petitioners

Versus

1.The District Registrar
Syrian Church Road
Sukrawar Pettai, R.S.Puram
Coimbatore – 641 001

2.The Sub Registrar
Office of the Sub-Registrar
Periyanaickenpalayam
Coimbatore North Taluk
Coimbatore District – 641 020

3.Logathal

4.M.Baby

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the entries in encumbrance bearing Document No.4270/2024 dated 28.02.2024.

For Petitioner : Mr.M.Devaraj
for Mr.K.Gangadaran
For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER



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Heard both sides and perused the materials placed on record.

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2. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself. Since, no adverse order is passed against the private respondents, notice to them is dispensed with.

3. This writ petition is filed for a direction to remove the entries relating to the dismissal of the decree and judgment in O.S.No.320 of 2023 which was dismissed for default on 20.11.2023 on the file of learned District Munsif cum Judicial Magistrate, Annur. It is the case of the writ petitioner that taking advantage of the dismissal order, the same has been registered and reflected in the encumbrance certificate.

4. It is the contention of the writ petitioner that he has already filed an application in I.A.No.4 of 2024 on 25.03.2024 for restoration of the suit in O.S.No.320 of 2023 and the same is pending. Hence, seeks to remove the entries.

5. It is relevant to note that entry in the encumbrance certificate is made based on the orders or any other document executed in respect of the survey



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number only to enable the general public to know to about the nature of transactions affecting the particular survey number. The entry has been made pursuant to the dismissal order made by the Court.

6. Such view of the matter, there cannot be any directions to the respondents to remove such entries. If the petitioner succeeds in the application in restoration of the suit on the file of learned District Munsif cum Judicial Magistrate, Annur, the order restoring the suit can be forwarded to the registering authorities. If it is registered, then the entry already made become insignificance.

7. With the above, this writ petition stands disposed of. No costs.

26.07.2024

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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To,
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(1/2)