



W.P.No.29027 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 26.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.29027 of 2024

1.S.Poongodi
2.Thangamani
3.Gomathi

.... Petitioners

Vs

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The District Registrar,
O/o.District Registrar Office,
Thiruppur District,
Thiruppur.

3.The Sub Registrar,
Sub Registrar Office,
Kunnathur,
Thiruppur.

4.R.Gunasekaran Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records pertaining the notice



W.P.No.29027 of 2024

dated 07.08.2024 passed by the third respondent and quash the same is illegal and consequently directing the respondents to remove the encumbrance in survey No.63/1, 63/2, 63/3, 63/4, 63/5, 63/6, 63/7, 63/8, 65/5 vide document No.2469 of 2008 dated 05.05.2008 within the jurisdiction of the third respondent.

For Petitioner : Ms.S.Sengkodi
For R1 to R3 : Mr.C.Sathish
Government Advocate
For R4 : Not ready in notice

ORDER

This Writ Petition is filed for the following relief :

“Praying to call for the records pertaining the notice dated 07.08.2024 passed by the third respondent and quash the same is illegal and consequently directing the respondents to remove the encumbrance in survey No.63/1, 63/2, 63/3, 63/4, 63/5, 63/6, 63/7, 63/8, 65/5 vide document No.2469 of 2008 dated 05.05.2008 within the jurisdiction of the third respondent.”

2. Heard the learned counsel appearing on either side and perused the materials available on record.



W.P.No.29027 of 2024

3. The request of the petitioner cannot be granted for the simple reason that the document has already been registered and it has not been cancelled. However, a statement is made by the petitioner that though the agreement for sale was executed as early as on 05.05.2008, till date, the fourth respondent has not initiated any proceedings for enforcing the agreement for sale. Despite this, the claim made by the petitioner cannot be granted as the agreement of sale has been registered and it has not been set aside in the manner known to law. Therefore, the entry cannot be deleted from the encumbrance.

4. Accordingly, this writ petition is dismissed. It does not preclude the petitioner from initiating such legal proceedings as against his vendors. No costs.

26.11.2024

Index : Yes/No
Internet : Yes/No
Lpp



WEB COPY



W.P.No.29027 of 2024

P.T. ASHA, J,

Lpp

To

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road, Chennai.

2.The District Registrar,
O/o.District Registrar Office,
Thiruppur District,
Thiruppur.

3.The Sub Registrar,
Sub Registrar Office,
Kunnathur,
Thiruppur.

W.P.No. 29027 of 2024

26.11.2024