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W.P.No.35026 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.35026 of 2024
and
W.M.P.No.37977 of 2024

R.R.V.Constructions Ltd,
Rep. By Its Managing Director,
Mr.Rudraraju Rajendra Varma
Plot No. 56, Plat No. 101,
Santhosi Apartments,
Sri Nagar Colony, Ameerpet, Hyderabad -500 073.

... Petitioner

Vs.

1.The Sub Registrar, Thiruporur,
29,South Mada Street,
Thiruporur -603 110,
Chengalpet District.

2.A.Chidambaram,

3.G.Mohan

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the 1st Respondent to consider the representation dated 26.09.2024 made by the Petitioner and delete the entry relating to the sale Agreement dated 02.12.2005 entered into between the 2nd and 3rd respondents, registered as Document No. 8069 of 2005 from the records and the Encumbrance Certificate relating the



W.P.No.35026 of 2024

property admeasuring extents of Acre 0.72 Cents in Survey Nos. 116/6 and 124/2, Acre 0.89 Cents in Survey No. 125/14A), Acre 0.33 cents in Survey Nos. 124/3 and 124/4 and acre 0.36 Cents in Survey No. 124/1 of No. 41, Pudupakkam Village, Kelambakkam Firka, Chengalpet Taluk, Kanchipuram District, within a time frame to be fixed by this Honble Court.

For Petitioner : M/s.Sahaana. S
for M/s/ARK Law Associates

For Respondents : M/s.M.Shahjahan, Spl.GP.
for R.1

ORDER

The Writ Petition has been filed for the following reliefs:-

"Directing the 1st Respondent to consider the representation dated 26.09.2024 made by the Petitioner and delete the entry relating to the sale Agreement dated 02.12.2005 entered into between the 2nd and 3rd respondents, registered as Document No. 8069 of 2005 from the records and the Encumbrance Certificate relating the property admeasuring extents of Acre 0.72 Cents in Survey Nos. 116/6 and 124/2, Acre 0.89 Cents in Survey No. 125/14A), Acre 0.33 cents in Survey Nos. 124/3 and 124/4 and acre 0.36 Cents in Survey No. 124/1 of No. 41,



*Pudupakkam Village, Kelambakkam Firka, Chengalpet
Taluk, Kanchipuram District, within a time frame to be
fixed by this Honble Court."*

Brief facts:-

2. The 3rd respondent was the absolute owner of the property admeasuring 2 acres 97 cents comprised in S.Nos.125/14A, 124/4, 116/13, 13B, 124/1, 116/6 and 124/2 of No.41, Pudupakkam Village, Kelambakkam Firka, Chengalpet Taluk, Kanchipuram District. To sell the aforesaid properties, the 3rd respondent had entered into an agreement of sale dated 02.12.2005 with the 2nd respondent and the same has been registered as Doc.No.8069 of 2005 on the file of the 1st respondent. The 2nd respondent had also paid a sum of Rs.15,00,000/- to the 3rd respondent as advance. Since the sale transaction had failed, the 2nd respondent had filed a suit O.S.No.432 of 2006 on the file of the Fast Track Judge-1, Chengalpet against the 3rd respondent seeking specific performance of the sale agreement dated 02.12.2005 and to execute and register the sale deed in respect of the suit property in favour of the 2nd respondent. During the pendency of the said suit, the petitioner had purchased various extents in the aforesaid survey numbers.



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5. Heard the counsels on either side.

6. The learned Government Pleader would contend that the 1st respondent cannot sou motu cancel the document, since there is nothing to show that the agreement of sale dated 02.12.2005 has not been acted upon. This argument has to be rejected for the simple reason that the agreement of sale dated 02.12.2005 which is the entry in the encumbrance certificate was the subject matter of the suit O.S.No.432 of 2006 filed by the 2nd respondent. The said suit was dismissed in toto. In appeal, the judgement of the Trial Court, insofar as it rejected the 2nd respondent's relief of specific performance, was also confirmed by this Court. Therefore, the judgement of this Court and the Civil Court would clearly prove that the agreement of sale is no longer valid.

7. In view of the above, the Writ Petition is allowed and the petitioner is directed to produce the judgement passed by this Court in A.S.No.178 of 2006 dated 16.06.2023 before the 1st respondent. On receipt of the same, the 1st respondent shall enter the judgement in the encumbrance certificate and in the remarks column mention that by virtue of the aforesaid judgement, the agreement of sale dated 02.12.2005 stood cancelled. The said exercise shall be completed within a period of 2 weeks



W.P.No.35026 of 2024

from the date of production of the judgement passed in A.S.No178 of 2006

by the petitioner. No costs. Consequently, the connected Miscellaneous

Petition is closed.

21.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Sub Registrar, Thiruporur,
29,South Mada Street,
Thiruporur -603 110,
Chengalpet District.

P.T. ASHA. J.,

(shr)



WEB COPY



W.P.No.35026 of 2024

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(2/3)