



W.P.(MD) No.2113 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.(MD) No.2113 of 2023

Mohamed Abdullah

...Petitioner

-vs-

1.The Inspector General of Registration,  
Santhome, Chennai.

2.The District Registrar,  
Office of the District Registrar,  
Sivagangai Poonga,  
Thanjavur District.

3.The Sub Registrar,  
Ayyampettai Sub Registrar Office,  
Thanjavur District.

4.The Inspector of Police,  
District Crime Branch,  
Thanjavur District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to remove the encumbrance recorded in the

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encumbrance register in respect of the property comprised in Survey No. 451/3 to an extent of 76.57 cents situated at Valandur Panchayat, Papanasam Taluk, Thanjavur on 01.02.2022 vide document No.127.

For Petitioner : Mr.V.Malaiyendran  
For Respondents : Mr.P.Subbaraj (for R1 to R3)  
Special Government Pleader  
Mr.M.Vaikkam Karunanithi (for R4)  
Government Advocate (Crl.side)

### **ORDER**

This writ petition has been filed to remove the entry made in the encumbrance certificate based on the request made by the Investigating Officer.

2. It is the case of the petitioner that on 01.02.2022 vide Doc.No. 127/2022, his brother, namely, Mustaff has executed a gift deed in favour of him in respect of the property in Survey No.451/3 to an extent of 76.57 cents situated at Valandur Panchayat, Papanasam Taluk, Thanjavur District. Thereafter, the petitioner's brother was arrested in connection with Crime No.21 of 2022 for the alleged offences under Sections 120, 406 and 420 of IPC. Subsequently, the Investigating Officer had sent a letter to the Registering Authority not to register any document in respect

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of the property in Survey No.451/3. In this regard, the petitioner has given representation to the respondents 2 and 3 seeking removal of entry made in the encumbrance on the basis of the police communication. But, no steps have been taken so far. Hence, this writ petition has been filed.

3. The learned Special Government Pleader appearing for the official respondents, on instructions, would submit that the criminal case initiated against one Mustaff got ended in conviction to undergo two years simple imprisonment and fine of Rs.30,000/-. There is no other order passed in relation to confiscation of property.

4. In such view of the matter, this Court is of the view that entry made based on the request of the Investigating Officer has to be removed from the encumbrance registrar. Accordingly, this Court directs the second respondent to remove the entries relating to the petition mentioned survey number based on the Investigating Officer report from the encumbrance registrar within a period of one month from the date of receipt of a copy of this order.



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5. With the above direction, the Writ Petition is disposed of. No costs.

**12.09.2024**

NCC : Yes / No  
Index : Yes / No  
*Rmk*

To:

1.The District Registrar(Admin)  
Registration Department,  
Sivagangai.

2.The Sub Registrar,  
Thiruppuvanam,  
Sivagangai District.



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**N.SATHISH KUMAR, J.**

*Rmk*

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