



W.P.(MD)No.8080 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.8080 of 2023

Punjab National Bank,
Rep. By its Chief Manager cum Authorised Officer,
Circle Office, PNB House, Tiruchirapalli – 620 014.

... Petitioner

Vs

1. The Inspector General of Registration,
100, Santhome High Court,
Rana Annamalaipuram, Chennai – 600 028.

2. The District Registrar (Administration),
171, Mahal Road, Madurai- 625 001.

3. The Sub Registrar,
Sub Registrar Office, Thirumangalam,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to remove the encumbrance entry in the 3rd respondent office which was a registered sale agreement shown as Serial No.6 in the Encumbrance Certificate based on the petitioner's representation, dated 28.02.2022 within the period stipulated by this Court.



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For Petitioner : Mr.Ananth C Rajesh
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the 2nd respondent to remove the encumbrance entry in the 3rd respondent Office, which was a registered sale agreement shown as Serial No.6 in the Encumbrance Certificate based on the petitioner's representation dated 28.02.2022.

2.Heard Mr.Ananth C Rajesh, learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents. Perused the materials available on record.

3.It is the case of the writ petitioner that in respect of subject property, originally a sale agreement was executed in the year 2009 and the same has been registered in Doc.No.5111/2009. Later, the said sale agreement cancelled on 24.06.2009 itself. The cancellation deed has also been executed and registered as Doc.No.5764/2009. Thereafter, the property has been mortgaged in the petitioner's Bank by depositing the title deeds and the document has been



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registered as Doc.No.937/2017. In the encumbrance certificate, the registration of sale agreement is also shown as entry. Due to that, the petitioner's Bank could not get a prospective buyer to sell the property by invoking provision under SURFAESI Act. Hence, seeks a direction to remove the same.

4.At the outset, this writ petition itself is a misconceived one. In the encumbrance certificate, the entries relating to both the sale agreement and cancellation of sale agreement are found place. In such view of the matter, the apprehension of the petitioner that the entry relating to sale agreement should be removed is nothing but a misconceived one. There is no bar to deal with the property due to the entries relating to sale agreement.

5.With the above observation, this writ petition stands dismissed. No costs.

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NCC : Yes/No
Index : Yes/No
PNM



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