



W.P(MD)No.7311 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM :

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

W.P(MD)No.7311 of 2023

and

W.M.P.(MD)No.22729 of 2023

D.Harris Kennedy

... Petitioner

Vs.

1.The Inspector General of Registration,  
100, Santhome High Road, Chennai 600028.

2.The District Registrar,  
Polpettai, Thoothukudi 628002.

3.The Sub Registrar,  
Sub Registrar Office,  
Tourist Bungalow Road,  
Tiruchendur, Thoothukudi District.

4.The District Registrar of Co- Operative Societies,  
TVS Valagam, Ettayapuram Road,  
Thoothukudi – 628 002.

5.The Joint Registrar of Cooperative Societies,  
No.393, T.R.Naidu Street,  
Thoothukudi - 628 002.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated on 11.02.2023, regarding with



W.P(MD)No.7311 of 2023

cancel of the unlawful entries on the petitioner's property in Plot No.296 and 297 situated in Survey No.309, Ashok Nagar, Tiruchendur at Thoothukudi District.

For Petitioner : Mr.M.M.Maivelpandian  
For Respondents : Mr.M.Siddharthan  
Additional Government Pleader

### **ORDER**

The petitioner seeks a direction to the respondents to consider the petitioner's representation dated on 11.02.2023 for cancellation of the unlawful entries made with regard to the petitioner's property in Plot No.296 and 297 situated in Survey No.309, Ashok Nagar, Tiruchendur at Thoothukudi District.

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

3.It is the case of the petitioner that the petitioner's wife was working as a Secretary in the Cooperative Societies and proceedings was initiated against her on the allegation of some misappropriation. Due to the said proceedings, the third respondent passed an order attaching the property of the petitioner. Based on the same, entries have been made in the encumbrance certificate. Seeking to remove the said entries, the petitioner had made a



W.P(MD)No.7311 of 2023

representation dated 13.02.2023 before the authorities concerned. Since the same was not considered, the petitioner has filed this writ petition.

4.At the outset, the prayer sought for by the petitioner is not maintainable for the simple reason that if any property of a third party to the proceedings has been attached in a proceedings initiated under the Tamil Nadu Cooperative Societies Act, the proper mechanism to be followed is to file an objection to raise the attachment under Rule 135 of the Tamil Nadu Co-operative Societies Rules, 1988, which provides that on such application is made, the sale officer shall investigate the claim or objection and dispose of it on merits. Besides, the Registering authority has no power to remove the entry already made in the encumbrance certificate. It is for the petitioner to workout his remedy before the civil Court.

5.In view of the above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**27.08.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
ta



W.P(MD)No.7311 of 2023

WEB COPY

To

- 1.The Inspector General of Registration,  
100, Santhome High Road, Chennai 600028.
- 2.The District Registrar,  
Polpettai, Thoothukudi 628002.
- 3.The Sub Registrar,  
Sub Registrar Office,  
Tourist Bungalow Road,  
Tiruchendur, Thoothukudi District.
- 4.The District Registrar of Co- Operative Societies,  
TVS Valagam, Ettayapuram Road,  
Thoothukudi – 628 002.
- 5.The Joint Registrar of Cooperative Societies,  
No.393, T.R.Naidu Street,  
Thoothukudi - 628 002.



WEB COPY



*W.P(MD)No.7311 of 2023*

**N.SATHISH KUMAR, J**

ta

W.P(MD)No.7311 of 2023

27.08.2024