



W.P(MD)No.10342 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.10342 of 2023

Durairaj

... Petitioner

Vs.

- 1.State Rep. By,
The Deputy Inspector General of Registration,
Registration Department,
Thirumohur Road, Y. Othakadai,
Madurai 625 107.
- 2.State Rep By,
The District Registrar,
Office of the District Registrar,
Palani Registration District,
Palani.
- 3.State Rep By,
The Sub Registrar,
Office of the Sub Registrar,
Vedasandur,
Dindigul District.
- 4.The Assistant Commissioner,
Commercial Tax Department,
Madurai.
- 5.The Commercial Tax Officer (Rural Division),
Office of the Commercial Tax Officer, Dindigul.



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6.R.J.Sundarapandian

... 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 1 to 5 to consider the petitioners representation dated 16.03.2023 and 10.04.2023 and direct the 3rd respondent to remove the unnecessary endorsement made pursuant to the communication of the 5th respondent vide O.Ka.116/2013 dated 26.02.2013 in the encumbrance of the petitioner's property in S.No.1038/1A to an extent of 1.71.5 Hectare i.e., 4 Acres 23 cents at Kalvarpatty Village, Vedasandur Taluk, Palani Registration District which is exclusive in the petitioner's name in patta No.2170.

For Petitioner : Mr.R.Senthilkumar

For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate for R1 to R3.
Mr.A.Kannan,
Addl. Government Pleader for R4 & R5.

ORDER

This writ petition is filed for issuing a Writ of Mandamus, directing the respondents 1 to 5 to consider the petitioner's



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representations dated 16.03.2023 and 10.04.2023 and direct the 3rd respondent to remove the unnecessary endorsement made pursuant to the communication of the 5th respondent vide O.Ka.116/2013 dated 26.02.2013 in the encumbrance of the petitioner's property in S.No.1038/1A to an extent of 1.71.5 Hectare i.e., 4 Acres 23 cents at Kalvarpatty Village, Vendasandur Taluk, Palani Registration District which is exclusive in the petitioner's name in patta No.2170.

2.The case of the petitioner is that the petitioner and his father purchased the property in S.No.1020/2 to an extent of 3 Acres and 57 Cents, S.No.1038/1 to the an extent of 6 Acres and 48 Cents and S.No.1045/2 to an extent of 4 Acres and 39 cents in Kalvarpatty Village, Vendasandur Taluk vide sale deed dated 07.06.1985 in Document No.551/1985. We executed a lease deed in favour of sixth respondent vide Document No.28/1996 on 01.03.1995. Thereafter, the sixth respondent purchased 2 Acres and 25 Cents out of 6 Acres and 48 Cents in S.No.1038/1. The revenue records were also mutated accordingly. The petitioner's father executed settlement deed in favour my minor two sons towards his share. The petitioner's father passed away on



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15.01.2003. The petitioner's minor sons and his wife were also died on 23.06.2010 in a road accident. The sixth respondent was carrying on his business in the name and style of M/s.Sivakami and Sheelarani Texiles at Thenur, Madurai District. He was due in property tax. Hence, the fifth respondent sent a communication dated 26.02.2013 to the third respondent to attach the sixth respondent's property. The third respondent without verifying the revenue records, made an attachment entry in the encumbrance register as if the property in S.No.1038/1 measuring an extent of 6 Acres and 48 Cents has been attached. Therefore, the petitioner sent a representation dated 10.04.2023 seeking deletion of the said entry in respect of his share. Since no action was not taken on the said representation, this writ petition came to be filed.

3.The learned counsel for the petitioner submitted that the petitioner and his father executed sale deed in favour of the 6th respondent vide on 01.03.1995 measuring an extent of 2 Acres and 25 Cents. However, the third respondent made an endorsement in the encumbrance register for attachment of the entire extent. Therefore, he prayed this Court to allow the writ petition as prayed for.



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4.The learned Government Advocate for the respondents 1 to 3 would submit that if the fifth respondent sends a communication to delete the attachment entry, the third respondent will act upon the same. The learned Additional Government Pleader for the respondents 4 and 5 submitted that the fifth respondent will consider the petitioner's representation and pass final order as expeditiously as possible.

5.Considering the facts and circumstances of the case, the fifth respondent is directed to issue notice to the sixth respondent and dispose of the petitioner's representation dated 10.04.2023 and pass final order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.This writ petition is disposed of accordingly. No costs.

18.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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V.BHAVANI SUBBAROYAN, J.

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To:-

- 1.The Deputy Inspector General of Registration,
Registration Department,
Thirumohur Road, Y. Othakadai,
Madurai 625 107.
- 2.The District Registrar,
Office of the District Registrar,
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