



WEB COPY



W.P(MD)No.11243 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.11243 of 2023

and

W.M.P.(MD)No.9819 of 2023

P.Gladsondurai

... Petitioner

Vs.

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

2.The District Registrar,
Palayamkottai, Tirunelveli-627 002.

3.The Sub Registrar,
Sub Registrar Officer,
Palayamkottai,
Tirunelveli District.

4.The General Manager,
Kurumbur Primary Agricultural
Co-operative Debt Society,
Kurumbur, Tiruchendur Taluk,
Thoothukudi.

... 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 21.04.2023, regarding with cancel of the unlawful entries made by the 4th respondent on the petitioner's property in Plot No.4 situated in Survey No.28/1B, NBS Nagar, Palayamkottai at Tirunelveli District.



WEB COPY



W.P(MD)No.11243 of 2023

For Petitioner : Mr.M.M.Maivelpandian
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 : Mr.D.Shanmugaraja Sethupathi

ORDER

The petitioner seeks a direction to the respondents to consider the petitioner's representation dated on 21.04.2023 to cancel the unlawful entries made by the 4th respondent on the petitioner's property in Plot No.4 situated in Survey No.28/1B, NBS Nagar, Palayamkottai at Tirunelveli 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 has purchased the subject property in the year 2022 after verifying all the records relating to that property. However, the fourth respondent Society, had *mala fidely* included its name in the original records relating to the subject property. Seeking to remove the said entries, the petitioner had made a representation dated 21.04.2023 before the authorities concerned. Since the same was not considered, the petitioner has filed this writ petition.



W.P(MD)No.11243 of 2023

4.At the outset, the prayer sought for by the petitioner is not maintainable for the simple reason that as against the entries made 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
ta

To

- 1.The Inspector General of Registration,
100, Santhome High Road, Chennai 600028.
- 2.The District Registrar,
Palayamkottai, Tirunelveli-627 002.
- 3.The Sub Registrar,
Sub Registrar Officer,
Palayamkottai, Tirunelveli District.



WEB COPY



W.P(MD)No.11243 of 2023

N.SATHISH KUMAR, J

ta

W.P(MD)No.11243 of 2023

27.08.2024