



W.P(MD)No.12086 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12086 of 2024

M.Sunil Kumar

... Petitioner

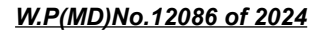
Vs.

1.The District Registrar,
District Registrar Office,
Kanyakumari District,
Nagercoil.

2.The Sub Registrar,
Thuckalay Sub Registrar Office,
Thuckalay,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1 and 2 respondents herein to remove / delete the encumbrance entry pertaining to registered sale agreement dated 10.02.2003 vide Doc. No.378/2003 with respect to Old S. No.5538, Re.S. No.632/1 to an extent of 7.5 cents and Re. S. No.632/2 to an extent of 91.5 cents in total to an extent of 99 cents in Perunchilampu Thesam, Velimalai Village, Kalkulam Taluk, Kanyakumari District by considering petitioner's representation dated 24.05.2024.



For Respondents : Mr.R.Ragavendran
Government Advocate

Heard both sides.

3. The issue raised in the writ petition is no longer *res integra*. The first proviso to Rule 55A of the Tamil Nadu Registration Rules has been struck down by the Hon'ble Madras High Court in the decision reported in ***(2023) 1 Writ LR 148 (Federal Bank Ltd Vs. The Sub Registrar and others)***. Therefore, reflection of the registration of the sale agreement of the year 2003 shall not come in the way of entertaining the document that may be presented by the petitioner. The petitioner should of course adhere to the other statutory and procedural registration formalities.



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4. With this observation, the Writ Petition is disposed of. No costs.

02.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

1.The District Registrar,
District Registrar Office,
Kanyakumari District,
Nagercoil.

2.The Sub Registrar,
Thuckalay Sub Registrar Office,
Thuckalay,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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